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Tuesday
September 10, 1991

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THE FEDERAL REGISTER

WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

DENVER, CO

WHEN: September 26, at 9:00 am
WHERE: Denver Federal Center, Building 20
(E8 entrance on 2nd Street)
Conference Room B1409, Denver, CO
RESERVATIONS: Federal Information Center
1–800–359–3997

WASHINGTON, DC

WHEN: September 30, at 9:00 am
WHERE: Office of the Federal Register
First Floor Conference Room
1100 L Street, NW, Washington, DC
RESERVATIONS: 202–523–5240

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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
Vol. 56, No. 175
Tuesday, September 10, 1991

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket 91-121]

Mexican Fruit Fly; Removal From Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: We are amending the Mexican fruit fly regulations by removing from the list of regulated areas Brooks, Dimmit, Jim Hogg, Jim Wells, La Salle, Starr, Webb, and Zapata counties in Texas. We have determined that the Mexican fruit fly does not exist in these areas and that restrictions are no longer necessary. This action relieves unnecessary restrictions on the interstate movement of regulated articles from these areas.

DATES: Interim rule effective September 10, 1991. Consideration will be given only to comments received on or before November 12, 1991.

ADDRESSES: To help ensure that your comments are considered, send an original and three copies of written comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 91-121. Comments received may be inspected at USDA, room 1141, South Building, 14th and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Michael B. Stefan, Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, USDA, room 640, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8247.

SUPPLEMENTARY INFORMATION:

Background

The Mexican fruit fly, *Anastrepha ludens* (Loew), is an extremely destructive pest of certain fruits and vegetables. The short life cycle of this pest allows the rapid development of serious outbreaks, which can cause significant economic losses.

The Mexican fruit fly regulations contained in 7 CFR 301.64 *et seq.* (referred to below as the regulations) impose restrictions on the interstate movement of regulated articles from regulated areas in quarantined States in order to prevent the artificial spread of the Mexican fruit fly to noninfested areas. Regulated articles include citrus fruit, avocados, apples, peaches, pears, plums, prunes, and pomegranates.

Based on insect trapping surveys by inspectors of Texas State and county agencies and by inspectors of Plant Protection and Quarantine, a unit within the Animal and Plant Health Inspection Service, United States Department of Agriculture, we have determined that the Mexican fruit fly no longer exists in the previously regulated areas in Brooks, Dimmit, Jim Hogg, Jim Wells, La Salle, Starr, Webb, and Zapata counties in Texas. Therefore, we are removing these areas from the list of areas in § 301.64-3(c) regulated because of the Mexican fruit fly.

Immediate Action

James W. Glosser, Administrator of the Animal and Plant Health Inspection Service, has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. The areas in Texas affected by this document were regulated due to the possibility that the Mexican fruit fly could be spread to noninfested areas of the United States. Since this situation no longer exists, and the continued regulated status of these areas would impose unnecessary restrictions on the public, we are taking immediate action to remove the restrictions.

Since prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest under these conditions, and because this rule relieves a regulatory restriction, there is good cause under 5 U.S.C. 553 to make it effective upon publication. We will consider comments received within 60 days of publication of this interim rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**, including a discussion of any comments we receive and any amendments we make to the rule as a result of the comments.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

This regulation removes restrictions on the interstate movement of regulated articles from 8 counties in Texas. Within the previously regulated areas there are approximately 59 entities that could be affected, including 23 fruit/produce markets, 16 nurseries, 7 flea markets, 8 packing sheds, and 5 commercial growers of peaches and apples on 6 acres. These entities comprise less than 1 percent of the total number of similar enterprises operating in the State of Texas.

The effect of this rule on these entities should be insignificant since most of these small entities handle regulated articles primarily for local intrastate movement, not interstate movement, and the distribution of these articles was not affected by the regulatory provisions we are removing.

Many of these entities also handle other items in addition to the previously regulated articles so that the effect, if any, of this regulation on these entities is minimal. Further, the conditions in the

Mexican fruit fly regulations and treatments in the Plant Protection and Quarantine Treatment Manual, incorporated by reference in the regulations, allowed interstate movement of most articles without significant added costs.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

List of Subjects in 7 CFR Part 301

Agricultural commodities, Incorporation by reference, Mexican fruit fly, Plant diseases, Plant pests, Plants (Agriculture), Quarantine, Transportation.

Accordingly, 7 CFR part 301 is amended as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for 7 CFR part 301 continues to read as follows:

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff; 161, 162, and 164–167; 7 CFR 2.17, 2.51, and 371.2(c).

2. Section 301.64–3, paragraph (c) is revised to read as follows:

§ 301.64–3 Regulated areas.

* * * * *

(c) The areas described below are designated as regulated areas:

Texas

Cameron County. The entire county.
Hidalgo County. The entire county.
Willacy County. The entire county.

Done in Washington, DC, this 4th day of September 1991.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 91–21662 Filed 9–9–91; 8:45 am]

BILLING CODE 3410–34–M

Foreign Agriculture Service

7 CFR Part 1485

Market Promotion Program

AGENCY: Foreign Agriculture Service, USDA.

ACTION: Notice of meetings.

SUMMARY: Notice is hereby given of two meetings for the purpose of soliciting comments and answering operational questions from the public regarding implementation of regulations (7 CFR Part 1485) governing the Market Promotion Program (MPP), which was published as an Interim Rule in the **Federal Register** (56 FR 40745) on August 16, 1991.

DATES: The meetings will be held Tuesday, September 17, 1991, in San Francisco, and Monday, September 30, 1991, in Washington, DC, from 9 a.m. to 4 p.m.

ADDRESSES: The location of the meetings are as follows:

September 17—Parc Fifty Five Hotel, 55 Cyril Magnin Street (formerly North Fifth Street), San Francisco, California 94102, 415–392–8000.

September 30—Jefferson Auditorium (South Building), U.S. Department of Agriculture, 14th and Independence Avenues, SW., Washington, DC.

The help ensure adequate seating and materials are available at each meeting, interested parties are encouraged to register in advance by contacting the Marketing Operations Staff (MOS), room 4932–S, FAS, U.S. Department of Agriculture, Washington, DC 20250–1000 (telephone (202) 447–5521).

FOR FURTHER INFORMATION CONTACT: Colette Ross, Marketing Operations Staff, room 4932–S, FAS, U.S. Department of Agriculture, Washington, DC 20250–1000; telephone (202) 447–5521.

SUPPLEMENTARY INFORMATION: The MPP Interim Rule at 56 FR 40745, August 16, 1991, provides that comments regarding the Interim Rule be submitted to the Marketing Operations Staff, FAS, at the address above within 60 days of the date of its publication in the **Federal Register**. A transcript of each of the meetings announced in this notice shall be available for review, with the official record of public comments received pursuant to the Interim Rule.

Signed at Washington, DC, September 5, 1991.

Duane Acker,

Administrator, Foreign Agricultural Service, and Vice President, Commodity Credit Corporation.

[FR Doc. 91–21715 Filed 9–9–91; 8:45 am]

BILLING CODE 3410–10–M

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 91–114]

Validated Brucellosis-Free States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: We are amending the brucellosis regulations concerning the interstate movement of swine by adding Hawaii and New Mexico to the list of validated brucellosis-free States. We have determined that they meet the criteria for classification as validated brucellosis-free States. This action relieves certain restrictions on moving breeding swine from Hawaii and New Mexico.

EFFECTIVE DATE: Interim rule effective September 10, 1991. Consideration will be given only to comments received on or before November 12, 1991.

ADDRESSES: To help ensure that your comments are considered, send an original and three copies to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 91–114. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Delorias M. Lenard, Senior Staff Veterinarian, Swine Diseases Staff, VS, APHIS, USDA, room 736, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–7767.

SUPPLEMENTARY INFORMATION:

Background

Brucellosis is a contagious disease affecting animals and man, caused by bacteria of the genus *Brucella.* The brucellosis regulations contained in 9 CFR part 78 (referred to below as the regulations) prescribe conditions for the interstate movement of cattle, bison, and swine.

Under the swine brucellosis regulations, States, herds, and individual animals are classified according to their brucellosis status. Interstate movement requirements for swine are based upon the disease status of the herd of State from which the animal originates.

We are amending § 78.43 of the regulations, which lists validated brucellosis-free States, to include Hawaii and New Mexico. Validated brucellosis-free status is based on a State having:

(1) The necessary authorities for classification as a validated brucellosis-free State for swine;

(2) No known focus of swine brucellosis at the time of validation and completion of one of several methods of surveillance; or no diagnosed case of swine brucellosis in the 12-month period preceding the classification, and a statistical analysis of the combined results of certain tests that indicate the testing is equivalent to either complete herd testing or slaughter surveillance during a period chosen by the State; and

(3) Certification by the appropriate State animal health official, the Veterinarian in Charge and the Deputy Administrator.

After reviewing their brucellosis program records, we have concluded that Hawaii and New Mexico meet the criteria for classification as validated brucellosis-free States. Therefore, we are adding Hawaii and New Mexico to the list of States in § 78.43. This action relieves certain restrictions on moving breeding swine from Hawaii and New Mexico.

Immediate Action

James W. Glosser, Administrator of the Animal and Plant Health Inspection Service, has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is warranted to remove unnecessary restrictions on the interstate movement of breeding swine from Hawaii and New Mexico.

Since prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest under these conditions, and because this rule relieves a regulatory restriction, there is good cause under 5 U.S.C. 553 to make it effective upon publication. We will consider comments received within 60 days of publication of this interim rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**, including a discussion of any comments we receive and any amendments we make to the rule as a result of the comments.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

Herd owners in Hawaii and New Mexico will be affected by this action, which will allow breeding swine to be moved interstate from Hawaii and New Mexico without being tested for brucellosis. Approximately 200 swine are tested annually for brucellosis in Hawaii and New Mexico, at an average cost to the seller of $5.00 per test, in order to be eligible for interstate movement. Using these numbers, we estimate that removing the testing requirement would result in a potential annual savings of $1,000 for swine herd owners in Hawaii and New Mexico. Of the approximately 3,000 swine herd owners nationwide who regularly ship breeding swine interstate, approximately 6 regularly ship breeding swine interstate from Hawaii and only one from New Mexico. All of these herd owners would be considered small entities.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

List of Subjects in 9 CFR Part 78

Animal diseases, Brucellosis, Cattle, Hogs, Quarantine, Transportation.

Accordingly, we are amending 9 CFR part 78 as follows:

PART 78—BRUCELLOSIS

1. The authority citation for part 78 continues to read as follows:

Authority: 21 U.S.C. 111–114a–1, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

§ 78.43 [Amended]

2. Section 78.43 is amended by adding "Hawaii," immediately after "Delaware," and adding "New Mexico," immediately after "New Hampshire,".

Done in Washington, DC this 4th day of September 1991.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 91-21661 Filed 9-9-91; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL RESERVE SYSTEM

12 CFR Parts 207 and 220

[Regulations G and T; Docket No. R-0732]

Amendments to Margin Regulations To Accommodate Deposit Requirements of Regulated Clearing Agencies

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is adopting amendments to Regulation G and Regulation T to exclude from the limitations of the margin rules the deposit of margin securities with clearing agencies regulated by the Commodity Futures Trading Commission or the Securities and Exchange Commission, provided these deposits are made in connection with the issuance of, or guarantee of, or the clearance of transactions in, any security (including options on any security, certificate of deposit, securities index or foreign currency); or the guarantee of contracts for the purchase or sale of a commodity for future delivery or options on such contracts.

EFFECTIVE DATE: October 11, 1991.

FOR FURTHER INFORMATION CONTACT: Laura Homer, Securities Credit Officer,

or Scott Holz, Attorney, Division of Banking Supervision and Regulations (202) 452-2781; for the hearing impaired only, Telecommunications Device for the Deaf (TDD), Dorothea Thompson, (202) 452-3544.

SUPPLEMENTARY INFORMATION: A proposal to amend Regulations G and T to accommodate the deposit of margin securities by regulated clearing agencies was published for comment in the **Federal Register** on June 5, 1991 (56 FR 25641). Ten comments were received. All supported the Board's proposal. Two commenters suggested technical language changes to clarify the nature of the clearing agencies' responsibilities. Language in the proposal has been changed to reflect these comments.

The amended rule will eliminate the need for registration and regulation under Regulation G of clearing agencies for the regulated futures markets, provided the deposit complies with rules of the CFTC. It will accord the clearing arm of the CME and other futures clearing agencies the same exemptive treatment in performing the clearing function that the Board gave in 1983 and 1984 to an options clearing agency (48 FR 23161, May 24, 1983 and 49 FR 9559, March 14, 1984). It will also make explicit for OCC the implicit exemption from Regulation G given in earlier years and change language to reflect products cleared by OCC that may not be called "options."

Regulatory Flexibility Act

The Board believes there will be no significant economic impact on a substantial number of small entities if this proposal is adopted. No comments were received on this statement.

Paperwork Reduction Act

No additional reporting requirements or modifications to existing reporting requirements are required.

List of Subjects

12 CFR Part 207

Banks, Banking, Brokers, Credit, Federal Reserve System, Investment companies, Investments, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 220

Banks, Banking, Bonds, Brokers, Commodity futures, Credit, Federal Reserve System, Foreign currencies, Investment companies, Investments, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

For the reasons set out in this notice, and pursuant to the Board's authority under sections 3, 7, 8, 17, and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78c, 78g, 78h, 78q, and 78w), the Board amends 12 CFR parts 207 and 220 as follows:

PART 207—SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS

1. The authority citation for part 207 continues to read as follows:

Authority: Secs. 3, 7, 8, 17 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78c, 78g, 78h, 78q, and 78w).

2. Section 207.1 is amended by redesignating the text of paragraph (b) as paragraph (b)(1) and adding a new paragraph (b)(2) as follows:

§ 207.1 Authority, purpose, and scope.

* * * * *

(b) *Purpose and scope.* * * *

(2) This part does not apply to clearing agencies regulated by the Securities and Exchange Commission or the Commodity Futures Trading Commission that accept deposits of margin stock in connection with:

(i) The issuance of, or guarantee of, or the clearance of transactions in, any security (including options on any security, certificate of deposit, securities index or foreign currency); or

(ii) The guarantee of contracts for the purchase or sale of a commodity for future delivery or options on such contracts.

PART 220—CREDIT BY BROKERS AND DEALERS

1. The authority citation for part 220 continues to read as follows:

Authority: Secs. 3, 7, 8, 17 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78c, 78g, 78h, 78q, and 78w).

2. In § 220.14 the section heading and paragraph (b) are revised to read as follows:

§ 220.14 Clearance of securities, options, and futures.

* * * * *

(b) *Deposit of securities with a clearing agency.* The provisions of this part shall not apply to the deposit of securities with an options or futures clearing agency for the purpose of meeting the deposit requirements of the agency if:

(1) The clearing agency:

(i) Issues, guarantees performance on, or clears transactions in, any security (including options on any security, certificate of deposit, securities index or foreign currency); or

(ii) Guarantees performance of contracts for the purchase or sale of a commodity for future delivery or options on such contracts;

(2) The clearing agency is registered with the Securities and Exchange Commission or is the clearing agency for a contract market regulated by the Commodity Futures Trading Commission; and

(3) The deposit consists of any margin security and complies with the rules of the clearing agency that have been approved by the Securities and Exchange Commission or the Commodity Futures Trading Commission.

By order of the Board of Governors of the Federal Reserve System, September 4, 1991.

William W. Wiles,

Secretary of the Board.

[FR Doc. 91-21588 Filed 9-10-91; 8:45 am]

BILLING CODE 6210-01-M

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12 CFR Parts 207 and 221

[Docket No. R-0730]

RIN 7100-AA99

Securities Credit Transactions; Regulations G and U; Transfers of Credit

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is adopting amendments to Regulations G and U (12 CFR parts 207 and 221) to permit transfers of loans between lenders subject to Regulation G and lenders subject to Regulation U on the same basis as transfers between two lenders subject to the same regulation.

EFFECTIVE DATE: October 11, 1991.

FOR FURTHER INFORMATION CONTACT: Laura Homer, Securities Credit Officer, or Scott Holz, Attorney, Division of Banking Supervision and Regulation (202) 452-2781. For the hearing impaired only, Dorothea Thompson, Telecommunications Device for the Deaf (TDD) (202) 452-3544.

SUPPLEMENTARY INFORMATION: In May 1991, The Board proposed amendments to permit the transfer of a regulated bank loan (or a portion thereof) to a Regulation G lender or the transfer of a Regulation G loan to a bank, provided that the amount of credit is not increased, the collateral is not changed, and the transfer is not made to evade the Board's margin regulations (See 56 FR 23252; May 21, 1991).

Ten comments were received. All supported the proposed amendments without modification, although some asked for clarification of the scope of the amendments.

While the current transfer provisions in Regulation G and U require that the transferee lender obtain a copy of the "purpose statement" (FR G–3 or FR U–1) originally filed with the transferor lender, the proposed amendments allow acceptance of a written statement with the same kind of information if no purpose statement was originally filed with the transferor lender. One commenter requested clarification of the types of situations in which no purpose statement would have been filed for a loan that complied with margin regulations. One such situation involves a regulated bank loan that did not exceed $100,000, as banks are only required to obtain a purpose statement for loans in excess of this amount. Another situation in which no purpose statement would exist is the transfer of a purpose loan that was not originally subject to the margin regulations because no margin stock was originally pledged for the loan. If the loan becomes secured by margin stock, the loan would be prospectively regulated and the transfer provisions would apply even though no purpose statement was taken when the loan was first made.

Another commenter asked whether a bank could transfer a regulated loan to a non-bank, non-broker if the transferee lender was not already registered under Regulation G. The proposed amendments appear to permit this as long as the transferred loan balance is enough to cause the transferee lender to reach the registration threshold in Regulation G.

In addition, some of the commenters requested relief from the "single-credit rule" in Regulations G and U as it relates to loan participations, claiming that the proposed amendments address only part of the problems associated with transfers of regulated loans between lenders. The Board is issuing a separate interpretation to respond to these comments.

Regulatory Flexibility Act

The Board believes there will be no significant economic impact on a substantial number of small entities if this proposal is adopted.

Paperwork Reduction Act

No additional reporting requirements or modifications to existing reporting requirements are proposed.

List of Subjects

12 CFR Part 207

Banks, Banking, Credit, Federal Reserve System, Insurance companies, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Savings and loan associations, Securities.

12 CFR Part 221

Banks, Banking, Credit, Federal Reserve System, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

Accordingly, pursuant to the Board's authority under sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g and 78w), the Board is amending 12 CFR parts 207 and 221 (Regulations G and U) as follows:

PART 207—SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS

1. The authority citation for part 207 continues to read as follows:

Authority: Secs. 3, 7, 8, 17, and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78c, 78g, 78h, 78q, and 78w).

2. In § 207.3, paragraphs (l)(1)(i), (ii), and (3) are revised to read as follows:

§ 207.3 General requirements.

* * * * *

(l) *Transfers of credit.* (1) A transfer of a credit between customers or lenders or between a lender and a bank shall not be considered a new extension of credit if:

(i) The original credit was extended by a lender in compliance with this part or was extended by a bank in a manner that would have complied with this part;

(ii) The transfer is not made to evade this part or part 221 of this chapter;

* * * * *

(3) When a transfer is made between lenders or between a lender and a bank, the transferee shall obtain a copy of the Form FR G–3 or Form FR U–1 originally filed with the transferor lender and retain the copy with its records of the transferee account. If no form was originally filed with the transferor, the transferee may accept in good faith a statement from the transferor describing the purpose of the loan and the collateral securing it.

* * * * *

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

1. The authority citation for part 221 continues to read as follows:

Authority: Secs. 3, 7, 8, and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78c, 78g, 78h and 78w).

2. In § 221.3, paragraphs (l)(1)(i), (ii) and (3) are revised to read as follows:

§ 221.3 General requirements.

* * * * *

(i) *Transfers of credit.* (1) A transfer of a credit between customers or banks or between a bank and a lender subject to part 207 of this chapter shall not be considered a new extension of credit if:

(i) The original credit was extended by a bank in compliance with this part or by a lender subject to part 207 of this chapter in a manner that would have complied with this part;

(ii) The transfer is not made to evade this part or part 207 of this chapter;

* * * * *

(3) When a transfer is made between banks or between a bank and a lender subject to part 207 of this chapter, the transferee shall obtain a copy of the Form FR U–1 or Form FR G–3 originally filed with the transferor and retain the copy with its records of the transferee account. If no form was originally filed with the transferor, the transferee may accept in good faith a statement from the transferor describing the purpose of the loan and the collateral securing it.

By order of the Board of Governors of the Federal Reserve System, September 4, 1991.

William W. Wiles,

Secretary of the Board.

[FR Doc. 91–21587 Filed 9–9–91; 8:45 am]

BILLING CODE 6210–01–M

FARM CREDIT ADMINISTRATION

12 CFR Parts 611, 620, and 621

RIN 3052–AB20

Organization; Disclosure to Shareholders; Accounting and Reporting Requirements; Effective Date

AGENCY: Farm Credit Administration.

ACTION: Notice of effective date.

SUMMARY: The Farm Credit Administration (FCA) published final regulations under parts 611, 620, and 621 on June 27, 1991 (56 FR 29412). The final regulations amend 12 CFR parts 611 and 620 to address (1) changes in the structure and lending authority of Farm

Credit institutions; (2) capital issues, obligations insured by the Farm Credit System Insurance Corporation, obligations issued by the Farm Credit System Financial Assistance Corporation, and participation in secondary market activities; and (3) other administrative and technical changes. In addition, the final amendment revises and clarifies the definition of "formally restructured loans" contained in part 621, subpart A. In accordance with 12 U.S.C. 2252, the effective date of the final rule is 30 days from the date of publication in the **Federal Register** during which either or both Houses of Congress are in session. Based on the records of the sessions of Congress, the effective date of the regulations is September 10, 1991.

EFFECTIVE DATE: September 10, 1991.

FOR FURTHER INFORMATION CONTACT:

Tong-Ching Chang, Staff Accountant, Policy and Risk Analysis Division, Office of Examination, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4077,
or
Joy Strickland, Attorney, Office of General Counsel, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4020, TDD (703) 883-4444.

Authority: 12 U.S.C. 2252(a)(9) and (10).

Dated: September 4, 1991.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 91-21501 Filed 9-9-91; 8:45 am]

BILLING CODE 6705-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-NM-30-AD; Amendment 39-7078; AD 91-15-14]

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Boeing Model 727 series airplanes, which requires inspection of the main landing gear (MLG) door actuator attach fitting bolts, and replacement, if necessary. This amendment is prompted by reports of loose MLG door actuator attach fitting bolts that allowed movement of the fitting, which jammed the MLG door and prevented full extension of one MLG, resulting in a landing with that MLG partially extended. This condition, if not corrected, could result in a landing with one MLG partially extended.

DATES: Effective October 15, 1991.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 15, 1991.

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Stanton R. Wood, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S; telephone (206) 227-2772. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to Boeing Model 727 series airplanes, which requires inspection of the MLG door actuator attach fitting bolts, and replacement, if necessary, was published in the **Federal Register** on April 8, 1991 (56 FR 14219).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter requested that airplanes that have been modified in accordance with Boeing Service Bulletin 727-32-275, be exempt from the requirements of the proposed rule. The commenter stated that the modification described in that service bulletin involves the installation of an improved door safety bar that prevents the MLG door from jamming, whatever the cause. The FAA does not concur. The FAA does not consider the safety bar modification to be a positive fix to the problem addressed by this rulemaking action, since the safety bar modification may not permit extension of the MLG if the door actuator attach fitting bolts were loose.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The economic analysis paragraph, below, has been revised to increase the specified hourly labor rate from $40 per manhour (as was cited in the preamble to the Notice) to $55 per manhour. The FAA has determined that it is necessary to increase this rate used in calculating the cost impact associated with AD activity to account for various inflationary costs in the airline industry. The FAA has determined that this change will neither significantly increase the economic burden on any operator nor increase the scope of the rule.

There are approximately 1,710 Model 727 series airplanes of the affected design in the worldwide fleet. It is estimated that 1,143 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 manhour per airplane to accomplish the required actions, and that the average labor cost will be $55 per manhour. Based on these figures, the total cost impact on the AD on U.S. operators is estimated to be $62,865.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the rules docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

91-15-14. **Boeing:** Amendment 39-7078. Docket 91-NM-30-AD.

Applicability: All Model 727 series airplanes, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To detect loose main landing gear (MLG) door actuator attach fitting bolts, accomplish the following:

A. Within the next 1,500 flight cycles after the effective date of this AD, and thereafter at intervals not to exceed 3,700 flight cycles, inspect for loose MLG door actuator attach fitting bolts in accordance with Part III, Accomplishment Instructions of Boeing Service Bulletin 727-32-0383, dated December 6, 1990.

B. If the bolts are found loose, accomplish Figure 1 or 2 of Boeing Service Bulletin 727-32-0383, dated December 6, 1990.

1. If Figure 1 is accomplished, repeat the inspection required by paragraph A. of this AD at intervals not to exceed 3,700 flight cycles.

2. Accomplishment of Figure 2 constitutes terminating action for the inspection requirements of this AD.

C. An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

E. The inspection and replacement requirements shall be done in accordance with Boeing Service Bulletin 727-32-0383, dated December 6, 1990. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC. This amendment (39-7078, AD 91-15-14) becomes effective October 15, 1991.

Issued in Renton, Washington, on July 8, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-21584 Filed 9-9-91; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 71 and 75

[Airspace Docket No. 91-AGL-3]

Alteration of VOR Federal Airways, Jet Routes, and Compulsory Reporting Points

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments correct errors discovered in the descriptions of all Federal airways, jet routes and compulsory reporting points that have Giper, IN, in their descriptions. Giper VOR is actually located in the State of Michigan and this action corrects that error.

EFFECTIVE DATE: 0901 u.t.c., November 14, 1991.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION: These amendments to parts 71 and 75 of the Federal Aviation Regulations correct errors discovered in the descriptions of all Federal airways, jet routes and compulsory reporting points that have Giper, IN, in their descriptions. The Giper VOR is actually located in the State of Michigan instead of Indiana as published in the **Federal Register** on February 7, 1990 (55 FR 4168). This action corrects that error. Because this action merely involves a correction in the geographic location of the Giper VOR, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Parts 71 and 75

Aviation safety, VOR Federal airways, Compulsory reporting points and Jet routes.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, parts 71 and 75 of the Federal Aviation Regulations (14 CFR parts 71 and 75) are amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. App. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.123 [Amended]

2. § 71.123 is amended as follows:

V-6, V-10, V-55, V-156, V-193, V-228 and V-526 [Amended]

Wherever the words "Giper, IN" appear, substitute the words "Giper, MI."

§ 71.203 [Amended]

3. § 71.203 is amended as follows:

Remove the words "Giper, IN" and substitute the words "Giper, MI."

§ 71.207 [Amended]

4. § 71.207 is amended as follows:

Remove the words "Giper, IN" and substitute the words "Giper, MI."

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

5. The authority citation for part 75 continues to read as follows:

Authority: 49 U.S.C. App. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 75.100 [Amended]

6. § 75.100 is amended as follows:

J-146 and J-554 [Amended]

Wherever the words "Giper, IN" appear, substitute the words "Giper, MI."

Issued in Washington, DC, on August 29, 1991.

Jerry W. Ball,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 91-21615 Filed 9-9-91; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Chapter I

[TD 91-77]

Technical Amendments to the Customs Regulations

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: In accordance with Customs policy of periodically reviewing its regulations to ensure that they are current, this document makes certain changes which are necessary. The document corrects various organizational references in order to conform those references to the current organization of, and allocation of functional responsibilities within, Customs Headquarters. In addition, the document corrects certain out-of-date or otherwise incorrect references involving other government agencies. The changes are nonsubstantive or merely procedural in nature.

EFFECTIVE DATE: September 10, 1991.

FOR FURTHER INFORMATION CONTACT: Francis W. Foote, Regulations and Disclosure Law Branch (202-566-8237).

SUPPLEMENTARY INFORMATION:

Background

As part of a continuing program to keep its regulations current and accurate, Customs has determined that certain changes should be made to the regulations. A number of decisions have been taken at Customs Headquarters in recent years involving changes in the names and functional responsibilities of various Headquarters offices, divisions, branches and other entities. As a consequence of these organizational changes, the current regulations contain a significant number of references to former organizational entities which are now out-of-date in terms of name or functional context or both. Some of these out-of-date references do not directly affect the public in that they relate primarily to internal Customs procedures. In other cases, however, the out-of-date reference may concern the office to which a member of the public should refer a specific matter for decision or for purposes of obtaining informal information or advice, in which case the incorrect reference could complicate efforts to communicate with Customs and delay resolution of the matter. In addition, in connection with this review of the regulations Customs has found a number of references to agencies or offices outside Customs which are out-of-date or otherwise incorrect and thus should be corrected. The changes set forth in this document are nonsubstantive or merely procedural in nature.

Inapplicability of Notice and Delayed Effective Date Requirements

Inasmuch as these amendments merely conform the Customs Regulations to agency organization, procedure, or practice and provide necessary information for the general public, pursuant to 5 U.S.C. 553 (a)(2) and (b)(B), notice and public procedures are not required and would be contrary to the public interest and, for the same reasons pursuant to 5 U.S.C. 553 (a)(2) and (d)(3), a delayed effective date is not required.

Executive Order 12291

Because this document relates to agency management, it is not subject to Executive Order 12291.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Drafting Information

The principal author of this document was Francis W. Foote, Regulations and Disclosure Law Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

Amendments to the Regulations

Accordingly, under the authority of 19 U.S.C. 66 and 1624, 19 CFR chapter I is amended as set forth below:

In the list below, for each section indicated in the left column, remove the words indicated in the middle column from wherever they appear in the CFR designation, and add the words indicated in the right column:

CFR Designation	Remove	Add
§ 4.14(b)(2)(ii)(A)	Office of Investigations.	Office of Enforcement.
§ 4.72(a)	Food Safety and Quality Service.	Food Safety and Inspection Service.
§ 4.80(b)	Carriers, Drawback and Bonds Division.	Carrier Rulings Branch.
§ 10.8(c) introductory text.	Post Office Department.	U.S. Postal Service.
§ 10.37	Carriers, Drawback and Bonds Division.	Commercial Rulings Division.
	Entry Procedures and Penalties Division.	International Trade Compliance Division.
§ 10.38(f)	Office of Investigations.	Office of Enforcement.
§ 18.7(c)	Office of Investigations.	Office of Enforcement.
§ 24.13a(g)	Office of Inspection and Control, Cargo Processing Division.	Office of Cargo Enforcement and Facilitation.
§ 24.32(b)	Civil Service Commission.	Office of Personnel Management.
§ 24.70(c)	Assistant Director (Accounting), Division of Financial Management, United States Customs Service.	Director, National Finance Center.
§ 101.3(a)	Assistant Secretary (Enforcement & Operations).	Assistant Secretary (Enforcement).
§ 103.0	Disclosure Law Branch.	Regulations and Disclosure Law Branch.
	Public Information Division.	Public Information Office.
§ 103.5 (b)(1) and (d)(1).	Disclosure Law Branch.	Regulations and Disclosure Law Branch.
§ 103.8(a)(3)	Public Affairs Division.	Public Affairs Office.
§ 103.14(d)(1)(iii)	Disclosure Law Branch, Regulations Control and Disclosure Law Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2325, Washington, DC 20229.	Regulations and Disclosure Law Branch, Headquarters, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229.
§ 103.14(d)(1)(iv)	Disclosure Law Branch.	Regulations and Disclosure Law Branch.

CFR Designation	Remove	Add
§ 103.14(d)(2)(iii)	Disclosure Law Branch, Regulations Control and Disclosure Law Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2325, Washington, DC 20229.	Regulations and Disclosure Law Branch, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.
§ 111.19(d)	Director, Entry Procedures and Penalties Division.	Office of Trade Operations.
§ 111.30(d)	Entry, Licensing and Restricted Merchandise Branch.	Office of Trade Operations.
§ 111.92	Entry Procedures and Penalties Division.	International Trade Compliance Division.
§ 113.14, § 113.15, § 113.38(c) (1) and (5) and § 113.39 (a) introductory text and (b).	Carriers, Drawback and Bonds Division.	Commercial Rulings Division.
§ 122.76	Animal and Plant Inspection Service.	Animal and Plant Health Inspection Service.
§ 122.173(b)	Inspection and Control.	Office of Inspection and Control.
§ 122.176(a)	Inspection and Control.	Office of Inspection and Control.
§ 133.1(a)	U.S. Patent Office.	U.S. Patent and Trademark Office.
§ 133.2 introductory text.	Commissioner of Customs, Washington, DC 20229.	Intellectual Property Rights Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.
§ 133.3(a)(1)	United States Patent Office.	U.S. Patent and Trademark Office.
§ 133.3(a)(2)	Patent and Trademark Office.	U.S. Patent and Trademark Office.
§ 133.4(b)	Patent Office	U.S. Patent and Trademark Office.
§ 133.5(c)	United States Patent Office.	U.S. Patent and Trademark Office.
§ 133.6 introductory text.	Commissioner of Customs.	Intellectual Property Rights Branch.
§ 133.6(a)	U.S. Patent Office.	U.S. Patent and Trademark Office.
§ 133.7(a) introductory text.	Commissioner of Customs.	Intellectual Property Rights Branch.
	Patent Office	U.S. Patent and Trademark Office.
§ 133.7(a)(1)	U.S. Patent Office.	U.S. Patent and Trademark Office.
§ 133.7(b)	Commissioner of Customs.	Intellectual Property Rights Branch.
§ 133.11	Patent Office	U.S. Patent and Trademark Office.
§ 133.12 introductory text.	Commissioner of Customs, Washington, DC 20229.	Intellectual Property Rights Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.
§ 133.15	Commissioner of Customs.	Intellectual Property Rights Branch.
§ 133.32 introductory text.	Commissioner of Customs, Attention: Entry, Licensing and Restricted Merchandise Branch, Washington, DC 20229.	Intellectual Property Rights Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.
§ 133.35(a) introductory text.	Commissioner of Customs.	Intellectual Property Rights Branch.
§ 133.36 introductory text.	Commissioner of Customs.	Intellectual Property Rights Branch.
§ 133.37(b) and § 133.47.	Commissioner of Customs, Attention: Entry, Licensing and Restricted Merchandise Branch, Washington, DC 20229.	Intellectual Property Rights Branch.
§ 145.37(a)	Copyright Office.	U.S. Copyright Office.
§ 146.81(b)	Entry Procedures and Penalties Division.	International Trade Compliance Division.
§ 146.83(a)	Carriers, Drawback and Bonds Division.	Commercial Rulings Division.
§ 148.55(a)	U.S. Patent Office.	U.S. Patent and Trademark Office.
§ 148.105(a)	Office of Operations.	Office of Commercial Operations.
§ 151.42(a)(3)	Technical Services Division.	Office of Laboratories and Scientific Services.
§ 161.2(a)(2)	Bureau of Narcotics and Dangerous Drugs.	Drug Enforcement Administration.
§ 161.2(a)(4)	Atomic Energy Commission.	Nuclear Regulatory Commission.
§ 162.74 (c), (d)(3), (d)(4)(i), and (e)(1).	Office of Investigations.	Office of Enforcement.
§ 171.15(a)(4)	Entry Procedures and Penalties Division.	International Trade Compliance Division.
§ 177.22(b) introductory text.	Entry Procedures and Penalties Division.	Commercial Rulings Division.
§ 191.10(e)(1)(i), § 191.21 (c) and (d), and § 191.27(c).	Drawback and Bonds Branch.	Entry Rulings Branch.

Carol Hallett,

Commissioner of Customs.

Approved: August 22, 1991.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 91-21579 Filed 9-9-91; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 92

RIN 1214-AA04

Redwood Employee Protection Program; Bureau of Labor Management Relations and Cooperative Programs

AGENCY: Office of the Secretary, Labor.

ACTION: Final rule; removal of a part.

SUMMARY: The Department of Labor has been responsible for administering significant aspects of the Redwood Employee Protection Program established by title II of the Redwood National Park Expansion Act of 1978 (Pub. L. 95-250). The statute has provided benefits to eligible employees of timber harvesting and related wood processing firms adversely affected by the Park expansion. The final date for industry workers to establish basic eligibility was September 30, 1989. On April 1, 1991, a notice proposing that part 92 be removed was published at 56 FR 13299. No comments were received by the Department in response to this notice. Now the Department is announcing a date certain after which time additional applications for benefits, or appeals of previous benefit decisions, will be considered untimely. The effect of this action will be to bring to a close this Agency's responsibility under this statute. Accordingly, part 92 is being removed from the Code of Federal Regulations.

EFFECTIVE DATE: October 10, 1991.

FOR FURTHER INFORMATION CONTACT: Kelley Andrews, Director, Office of Statutory Programs, U.S. Department of Labor, room S-2203, 200 Constitution Avenue, NW., Washington, DC 20210, telephone: (202) 523-6071. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Title II of the Redwood National Park Expansion Act of 1978 provides monetary and non-monetary benefits to eligible employees of timber harvesting and related wood processing firms adversely affected (laid off, terminated, or downgraded) by the Park expansion. Under the Act, employees were required to apply for benefits no later than September 30, 1980. Some older employees were eligible for benefits until age 65—about September 30, 1989.

Determination Appeals

In accordance with title II of the Act, employees whose applications for benefits were rejected had the right to appeal to this agency for review and reconsideration prior to October 1, 1989. While new appeals have ceased, this regulation provides official notice of the expiration of the appeal process and completes this agency's determination review responsibility for benefit eligibility. Therefore, any appeal submitted to this agency for review and reconsideration after the adoption of this regulation will be considered untimely and dismissed. Any such appeal resulting from actions taken on any cases currently before the Secretary will, however, be considered timely.

Health Benefit Claims

Under title II of the Act, this agency has been reviewing health benefits claims for eligible employees and ensuring their payment. While no new health claims could be incurred after September 30, 1989, this agency has allowed a grace period for eligible employees to gather cost statements from health-care providers to submit to this agency. This regulation provides official notice of the expiration of the period allotted for the submission of health benefits claims. Therefore, claims submitted after the adoption of this regulation will be considered untimely and will be returned.

Pension Benefit Claims

Also under title II of the Act, this agency has been reviewing pension benefit claims for eligible employees. September 30, 1989, was the final date for pension eligibility. This regulation provides official notice of the expiration of the period allotted for the submission of pension claims. Therefore, claims submitted after the adoption of this regulation will be considered untimely.

E.O. 12291

This rule does not have the financial or other impact to make it a major rule and, therefore, the preparation of a regulatory impact analysis is not necessary under E.O. 12291.

Paperwork Reduction Act

There are no information collection requirements under this rule.

Regulatory Flexibility Act

This rule will not have a significant economic impact upon a substantial number of small entities. The Secretary has certified this fact to the Small Business Administration, and no regulatory impact analysis is necessary under the Regulatory Flexibility Act.

List of Subjects in 29 CFR Part 92

Unemployment compensation, National parks.

Accordingly, under the authority 5 U.S.C. 301, part 92 of title 29 of the Code of Federal Regulations is removed.

Signed at Washington, DC, this 3rd day of September, 1991.

Lynn Martin,

Secretary of Labor.

[FR Doc. 91-21684 Filed 9-9-91; 8:45 am]

BILLING CODE 4510-85-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[TX5-1-5218; FRL-3986-8]

Approval and Promulgation of Implementation Plans; Revisions of the Texas Air Control Board Rules for Particulate Matter (PM_{10}) Designation of Areas for Air Quality Purposes Reclassification of Total Suspended Particulate Matter

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This Federal Register notice approves several revisions to the State Implementation Plan (SIP) submitted by the State of Texas for (1) adding new particulate matter definitions, and (2) reviewing and evaluating the State's existing particulate matter regulations for protecting the PM_{10} standards under 40 CFR Part 51. Also, the EPA approves the State's request for reclassifying the existing nonattainment Total Suspended Particulate (TSP) areas in Texas from "nonattainment" to "unclassifiable" status, under 40 CFR part 81. These revisions only update the affected State regulations for meeting the regulatory requirements of particulate matter in terms of PM_{10}. It should be noted that this notice is not intended for taking any action on or addressing the PM_{10} "nonattainment" SIP issues in Texas. The PM_{10} nonattainment SIPs will be submitted by the State in accordance with the provisions of the 1990 Clean Air Act Amendments, and EPA will take appropriate action accordingly at a later date in separate notices.

These revisions are partially in response to the requirements of the PM_{10} National Ambient Air Quality Standards that were promulgated by the EPA in the **Federal Register** notice of July 1, 1987 (52 FR 24634). This action today only approves the Texas PM_{10} statewide regulatory requirements. The EPA published a notice of its final action on the committal PM_{10} SIPs (Group II SIPs) for the State of Texas on June 16, 1989.

(54 FR 25582) in the Federal Register. This SIP revision and reclassification of the TSP areas are approved under the statutory requirements of Sections 110 and 107 of the Clean Air Act, respectively.

Today's notice is published to advise the public that EPA is approving the Texas SIP revisions for the subjects mentioned above. The rationale for this approval is contained in this notice.

DATES: This action will be effective on November 12, 1991, unless notice is received within 30 days that adverse or critical comments will be submitted. If the effective date is delayed timely notice will be published in the Federal Register.

ADDRESSES: Copies of the State's submittals and other information are available for inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least twenty-four hours before the visiting day.

Planning Section, Air Programs Branch, Air, Pesticides, and Toxics Division, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, Telephone: (214) 655–7214.

Texas Air Control Board, 12124 Park 35 Circle, Austin, Texas 78753, Telephone: (512) 908–1000.

FOR FURTHER INFORMATION CONTACT: Mr. J. Behnam, P.E.; Planning Section, Air Programs Branch, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, telephone: (214) 655–7214.

SUPPLEMENTARY INFORMATION:

State Submission

The State of Texas submitted several separate revisions to the Texas SIP for meeting the requirements of the PM_{10} rules. The regulatory revisions submitted by the Texas Air Control Board (TACB) and being approved by the EPA under this notice are applicable to the entire State of Texas. The State has submitted the following revisions.

1. On July 19, 1988, the Governor of Texas submitted a request for redesignating of the existing Total Suspended Particulate (TSP) nonattainment areas in Texas. The State requested EPA to reclassify the existing nonattainment areas for TSP to unclassifiable status. The State identified nine nonattainment TSP areas for reclassification as follow: (1) Three limited areas in El Paso County (El Paso 1, El Paso 2, and El Paso 4), (2) two limited areas in Cameron County (Cameron 1 and Cameron 2), (3) two limited areas in Nueces County (Nueces 1 and Nueces 2), and two limited areas in Harris County (Harris 1 and Harris 5). Harris 1 area refers to Houston 1 area located in the City of Houston and Harris 5 area refers to an area located in the City of Aldine. For consistency with the previous Code of Federal Regulations, EPA will use Houston 1 and Aldine to identify these areas in this notice and 40 CFR Part 81. The State has submitted a complete narrative descriptions of these areas along with the area maps to the EPA.

2. On September 29, 1988, the Governor of Texas submitted a SIP revision to EPA that contained TACB Regulation VI, Control of Air Pollution by Permits for New Construction or Modification. These rules were revised to streamline the administrative procedures associated with changes in ownership of previously permitted facilities. In addition, the TACB changed the reference date under Prevention of Significant Deterioration of Air Quality to reflect the requirements of the PM_{10} rules as promulgated by the EPA on July 1, 1987. The TACB adopted these revisions on July 15, 1988.

3. On August 21, 1989, the Governor of Texas submitted a SIP revision which included revisions to the TACB General Rules and Regulation I. Also, this SIP revision included the El Paso interim SIP and preliminary analysis for that area. General Rules were revised to include the PM_{10} definitions and Regulation I was revised to adopt additional regulatory controls for the EL Paso area. The TACB adopted these revisions on July 16, 1989. This notice is not intended to address any EPA actions on the El Paso interim SIP or any other SIP that concerns the El Paso PM_{10} nonattainment issues.

Evaluation of States Submissions

The EPA has evaluated the State's particulate matter and related regulatory requirements, procedures, and other documents submitted in support of the PM_{10} SIP, and the findings are as follows:

1. Particulate Matter Definitions—The definitions adopted under TACB General Rules for "particulate matter", "particulate matter emissions", "PM_{10}", "PM_{10} Emissions", and "total suspended particulate" are identical to the Federal definitions found in 40 CFR 51.100. Also, the TACB adopted the significance levels for PM_{10} as specified under 40 CFR 51.165(b)(2). These definitions are coded under § 101.1 of TACB General Rules (31 TAC chapter 101).

2. Prevention of Significant Deterioration (PSD)—The TACB PSD rules are given under § 116.3(a)(13) of Regulation VI (31 TAC chapter 116), Control of Air Pollution by Permits for New Construction or modification. The Texas PSD rules are not yet approved by the EPA. At present, the requirements of Federal PSD program, as found in 40 CFR 52.21, apply for new source review purposes in Texas. The TACB operates the PSD program under a partially delegated program which allows the State to conduct all administrative and technical reviews of the PSD applications, however, EPA retains the enforcement responsibilities. At present, the EPA Regional Office issues the final PSD permits in Texas and will continue to do so until such time as the Texas PSD SIP is approved.

3. Emergency Episode Plan—the existing Texas SIP contains appropriate emergency episode regulations under TACB Regulation VIII (31 TAC CHAPTER 118), Control of Air Pollution Episodes. In addition to regulatory provisions, the State has adopted an emergency episode plan entitled "Texas Air Pollution Episode Contingency Plan". These provisions are approved by the EPA under the SIP. Regulation VIII has been revised to replace particulate matter with the PM_{10} concentrations in Table 1—Air Pollution Episodes—Ambient Concentration Criteria. These revisions have been approved under a separate rulemaking notice in the Federal Register September 6, 1990 (55 FR 36632).

4. Existing SIP—The EPA has reviewed the existing TACB regulations that control directly or indirectly particulate matter emissions and has determined that the existing SIP-approved regulations are adequate to protect the PM_{10} NAAQS except for Regulation I that need to be revised to cover the El Paso nonattainment area. If the PM_{10} monitoring data show violation of the PM_{10} NAAQS in any area of the State in the future, the State regulations will have to be reviewed again and revised (if necessary) to provide additional control measures along with other control strategies for attaining and maintaining the PM_{10} NAAQS.

5. TSP Nonattainment Redesignation—The Governor of Texas has requested EPA to redesignate the total suspended particulate (TSP) nonattainment areas located in several counties, to unclassifiable status in conjunction with approval of the PM_{10} SIP. These areas are specifically identified by the TACB as follows: (1) Three limited areas in El Paso County (El Paso 1, El Paso 2, and El Paso 4), (2) two limited areas in Cameron County (Cameron 1 and Cameron 2), (3) two limited areas in Nueces County (Nueces

1 and Nueces 2), and (4) two limited areas in Harris County (Houston 1 and Aldine). For the reasons discussed in the **Federal Register** notice of July 1, 1987 (52 FR 24634), the EPA is changing the status of these areas from TSP "nonattainment" to TSP "unclassifiable" in conjunction with its approval of this PM_{10} SIP. This would allow the State to conduct PSD review for both indicators (TSP and PM_{10}) of particulate matter as applicable and will avoid the complexity of having to conduct a nonattainment review for TSP, while simultaneously conducting PSD review for PM_{10}. In general, the revised "TSP" area designation must be retained as "TSP" until after EPA promulgates PM_{10} increments because the existing increments for particulate matter (TSP increments) depend upon the existence of Section 107 designations for TSP. Following EPA's promulgation of the PM_{10} increments and the State's subsequent adoption of the PM_{10} increments in its PSD regulations, EPA will act on any request by the State to completely delete its TSP area designations. It should be noted that the El Paso area will remain nonattainment for PM_{10} by enactment of the 1990 Clean Air Act Amendments. The EPA announced the PM_{10} nonattainment areas in the **Federal Register** notices of October 31, 1990 (55 FR 45799) and March 15, 1991 (56 FR 11101).

Final Action

The EPA has reviewed the State's submittal and determined that the State regulatory controls as adopted, its procedures, and the existing SIP are adequate to protect the PM_{10} NAAQS except for the El Paso nonattainment area. Therefore, the EPA is approving the revisions to a limited number of regulations and the redesignation of the TSP nonattainment areas in Texas, from the TSP "nonattainment" to TSP "unclassifiable" status as outlined below.

1. The EPA is approving definitions of "Deminimis impact", "particulate matter", "particulate matter emissions", "PM_{10}", "PM_{10} emissions", and "Total suspended particulate" under Section 101.1 of TACB General Rules (31 TAC chapter 101).

2. Today's action is approving the State's request for reclassification of the TSP nonattainment areas in Texas.

Specifically, the EPA is reclassifying the following areas from TSP "nonattainment" to TSP "unclassifiable" status: (a) Three limited areas in El Paso County (El Paso 1, El Paso 2, and El Paso 4), (b) two limited areas in Cameron County (Cameron 1 and Cameron 2), (c) two limited areas in Nueces County (Nueces 1 and Nueces 2), and (d) two limited areas in Harris County (Houston 1 and Aldine). The El Paso area will remain nonattainment area for PM_{10} as specified in the **Federal Register** notices of October 31, 1990 (55 FR 45799) and March 15, 1991 (56 FR 11101).

3. The EPA is not taking any action on the submitted revisions to TACB Regulation I. The Regulation I revisions as submitted with the El Paso interim SIP on August 21, 1989, are not fully approvable (1) because they contain certain deficiencies that the TACB will have to address, (2) EPA has to review this regulation in the context of the El Paso PM_{10} SIP because regulatory measures will be considered as part of PM_{10} control strategies, and (3) the revisions are impacting the nonattainment areas and are not critical to approval in this notice. As indicated earlier in this notice, today's action is not intended to address the El Paso PM_{10} nonattainment issues. The TACB will have to submit revisions to Regulation I for approval at the time of El Paso PM_{10} SIP submission.

4. The EPA is not taking any action on the revisions submitted for Regulation VI, Control of Air Pollution by Permits for new Construction or Modification. The revisions to Regulation VI cannot be approved until EPA approves the pending Texas PSD SIP which is under review by the Office of Management and Budget. Since a PSD Federal Implementation Plan (40 CFR 52.21) is currently in place for the State of Texas, the requirements of the PM_{10} rules under the PSD program continue to be met by EPA issuing the PSD permits in Texas.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of publication unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective on November 12, 1991.

The EPA has reviewed these requests for revision of the federally-approved State Implementation Plans for conformance with the provisions of the 1990 Clean Air Act Amendments enacted on November 15, 1990. The EPA has determined that this action conforms with those requirements irrespective of the fact that the submittal preceded the date of enactment.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirement.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of two years.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 12, 1991. Filing a petition for reconsideration by the Administrator for this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

Under 5 U.S.C. 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

Incorporation by reference of the Texas Implementation Plan was approved by the Director of the Federal Register on July 1, 1982.

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Incorporation by reference, Lead, Nitrogen dioxide, Particulate matter, and Sulfur oxide.

40 CFR Part 81

Air pollution control, National parks, and Wilderness areas.

Authority: 42 U.S.C. 7401–7642.

Dated: August 2, 1991

Joe D. Winkle,

Acting Regional Administrator.

PART 52—[AMENDED]

Title 40 part 52 of the code of Federal Regulations is being amended as follows:

1. The authority citation for Part 52 continues to read as follows:

Authority: U.S.C. 7401–7642.

Subpart SS—Texas

2. Section 52.2270 is amended by adding paragraph (c)(75) to read as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

(75) Revisions to the State Implementation Plan for particulate matter (PM_{10} Group III) General Rules (31 TAC Chapter 101), § 101.1 Definitions for "De minimis impact", "Particulate matter", "Particulate matter emissions", "PM_{10}", "PM_{10} emissions", and "Total suspended particulate", as adopted on June 16, 1989, by the Texas Air Control Board (TACB), were submitted by the Governor on August 21, 1989.

(i) Incorporation by reference.

(A) General Rules (31 TAC CHAPTER 101), Section 101.1 Definitions for "De minimis impact", "Particulate matter", "Particulate matter emissions", "PM_{10}", "PM_{10} emissions", and "Total suspended particulate", as adopted on June 16, 1989, by the TACB.

(ii) Additional material—None.

PART 81—[AMENDED]

Title 40, part 81 of the code of Federal Regulations is amended as follows:

1. The authority citation for Part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.SS—Texas

Subpart SS—Texas

2. Section 81.344 is amended by revising the attainment status designation table for TSP to read as follows:

§ 81.344 Texas.

TEXAS.—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 022				X
AQCR 106				X
AQCR 153:				
3 limited areas in El Paso County (El Paso 1, 2, and 4)			X	
1 limited area in El Paso County (El Paso 3)			X	
1 limited area in El Paso County (El Paso 5)				X
Remainder of AQCR				X
AQCR 210				X
AQCR 211				X
AQCR 212				X
AQCR 213:				
2 limited areas in Cameron County (Cameron 1 and 2)			X	
Remainder of AQCR				X
AQCR 214:				
2 limited areas in Nueces County (Nueces 1 and 2)			X	
Remainder of AQCR				X
AQCR 215:				
3 limited areas in Dallas County (Dallas 1, 2, and 3)				X
1 limited area in Tarrant County (Tarrant 1)				X
3 limited areas in Tarrant County (Tarrant 2, 3, and 4)			X	
Remainder of AQCR				X
AQCR 216:				
1 limited area in Harris County (Houston 1)			X	
1 limited area in Harris County (Houston 2)			X	
1 limited area in Harris County (Aldine)			X	
1 limited area in Harris County			X	
1 limited area in Galveston County			X	
Remainder of AQCR				X
AQCR 217:				
1 limited area in Bexar County			X	
Remainder of AQCR				X
AQCR 218				X

* * * * *

[FR Doc. 91–21711 Filed 9–9–91; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 80

[AMS-FRL-3994-2]

Regulation of Fuels and Fuel Additives: Standards for Reformulated Gasoline

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of application for extension of the reformulated gasoline program to Maine.

SUMMARY: This notice publishes the application of the Governor of the State of Maine to have the prohibition set forth in section 211(k)(5) of the Clean Air Act as amended by Public Law 101–549 (the Act) applied in Maine. Under section 211(k)(6) the Administrator of EPA shall apply the prohibition against the sale of gasoline which has not been reformulated to be less polluting in an ozone nonattainment area upon the application of the governor of the state in which the nonattainment area is located.

DATES: The effective date of the prohibition described herein is January 1, 1995 (see the Supplementary Information section of today's notice for a discussion of the possible delay of this date).

ADDRESSES: Materials relevant to this Notice are contained in Public Docket No. A–91–02. This docket is located in room M–1500, Waterside Mall (ground floor), U.S. Environmental Protection

Agency; 401 M Street SW., Washington, DC 20460. The docket may be inspected from 8:30 a.m. until 12 noon and from 1:30 p.m. until 3 p.m. Monday through Friday. A reasonable fee may be charged by EPA for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Joanne I. Goldhand, U.S. EPA (SDSB–12), Motor Vehicle Emission Laboratory, 2565 Plymouth Road, Ann Arbor, MI 48105, Telephone (313) 668–4504.

SUPPLEMENTARY INFORMATION:

I. Background

As part of the Clean Air Act Amendments of 1990, Congress added a new subsection (k) to section 211 of the Clean Air Act. Subsection (k) prohibits the sale of gasoline that EPA has not certified as reformulated ("conventional gasoline") in the nine worst ozone nonattainment areas beginning January 1, 1995. To be certified as reformulated a gasoline must comply with the following formula requirements: Oxygen content of at least 2.0 percent by weight; benzene content of no more than 1.0 percent by volume; no heavy metals (with a possible waiver for metals other than lead); and the inclusion of deposit preventing additives. The gasoline must also achieve toxic and volatile organic compound emissions reductions equal to or exceeding the more stringent of a specified formula fuel or a performance standard.

Section 211(k)(10)(D) defines the areas covered by the reformulated gasoline program as the nine ozone nonattainment areas having a 1980 population in excess of 250,000 and having the highest ozone design value during the period 1987 through 1989. Applying those criteria, EPA has determined the nine covered areas to be the metropolitan areas including Los Angeles, Houston, New York City, Baltimore, Chicago, San Diego, Philadelphia, Hartford and Milwaukee. Under section 211(k)(10)(D) any area reclassified as a severe ozone nonattainment area under section 181(b) is also to be included in the reformulated gasoline program.

Any other ozone nonattainment area may be included in the program at the request of the governor of the state in which the area is located. Section 211(k)(6)(A) provides that upon the application of a governor, EPA shall apply the prohibition against selling conventional gasoline in any area in the governor's state which has been classified as not attaining the ozone ambient air quality standard. That subparagraph further provides that EPA is to apply the prohibition as of the date he "deems appropriate, not later than January 1, 1995, or 1 year after such application is received, whichever is later." In some cases the effective date may be extended for such an area as provided in section 211(k)(6)(B) based on a determination by EPA that there is "insufficient domestic capacity to produce" reformulated gasoline. Finally, EPA is to publish a governor's application in the **Federal Register.**

EPA will promulgate the requirements for reformulated gasoline in accordance with the statutory deadline of November 15, 1991. These requirements are being developed through regulatory negotiation. A proposal describing the options being considered was published on July 9, 1991 (56 FR 31176) and a supplemental notice describing the consensus of the regulatory negotiation participants will be published in August in the **Federal Register.** The supplemental notice will describe the certification program for reformulated gasolines, the credits program for exceeding certain requirements and the enforcement program, among other elements.

II. Maine's Request

EPA received an application from the Hon. John R. McKernan, Jr., Governor of Maine, for that state to be included in the reformulated gasoline program. His application is set out in full below.

[State of Maine Letterhead]

June 26, 1991.

The Honorable William Reilly,
Administrator,
U.S. Environmental Protection Agency, 401 M Street, NW., Washington, DC 20460.

Dear Bill: Pursuant to provisions of section 211(k) of the Clean Air Act as recently amended, I am informing you that the State of Maine intends to participate in the reformulated gasoline program.

Maine is one of the eleven states in the Northeast Ozone Transport Region. I am, therefore, requesting the entire state opt-in to the program. In addition to being a "Transport Region State", Maine has nine counties which are classified as nonattainment for ozone. Table 1 summarizes Maine's current classification and proposed classifications contained in the March 13, 1991, letter to you for consideration.

I am designating Dennis Keschl, Director of the Bureau of Air Quality Control in the Department of Environmental Protection as my contact for implementation of the reformulated gas program. He can be contacted as follows: Dennis L. Keschl, Director, Bureau of Air Quality Control, State House Section #17, Augusta, Maine 04333, (207) 289–2437, fax is (207) 289–7641.

I support the need for reformulated gasoline for the Northeast and look forward to coordinating state and federal efforts to achieve our goal of clean air in Maine and the nation.

Sincerely,
John R. McKernan, Jr.,
Governor.

TABLE 1.—MAINE OZONE CLASSIFICATIONS

Designated planning area	Existing classification	Recommended classification
Southern Maine:		
York County [1].	Moderate	Moderate.
Cumberland County.	Moderate	Moderate.
Sagadahoc County.	Moderate	Moderate.
Androscoggin & Kennebec Counties:		
Androscoggin County.	Marginal	Moderate.
Kennebec County.	Marginal	Moderate.
Knox & Lincoln Counties:		
Knox County	Moderate	Moderate.
Lincoln County.	Marginal	Moderate.
Hancock & Waldo Counties:		
Hancock County.	Marginal	Marginal.
Waldo County.	Marginal	Marginal.
Franklin County (Part).	Nonattainment	Nonattainment.
Oxford County (Part).	Nonattainment	Nonattainment.
Somerset County (Part).	Nonattainment	Nonattainment.
Portsmouth-Dover-Rochester MSA:		
York County (part): Berwick, Eliot, Kittery, N. Berwick, Ogunquit, S. Berwick, Wells, York towns.	Serious	Moderate.[1]

[1] The eight Maine towns in the Portsmouth-Dover-Rochester MSA are combined into the Southern Maine Planning Area and classified as moderate.

III. Action

The Governor has requested that reformulated gasoline be required in all of Maine due to its classification as part of an Ozone Transport Region. However, section 211(k)(6)(A) specifies that only ozone nonattainment areas classified under subpart 2 of part D of title I as Marginal, Moderate, Serious or Severe may opt in to the program. Therefore, pursuant to the governor's letter and the provisions of section 211(k)(6), the prohibitions of subsection 211(k)(5) will be applied to the nonattainment areas in Maine which are classified Marginal or more serious

beginning January 1, 1995 (except as provided above). The application of the prohibitions to Maine cannot take effect any earlier than January 1, 1995 under section 211(k)(5) and cannot take effect any later than January 1, 1995, under section 211(k)(6)(A), unless the Administrator extends the effective date by rule under section 211(k)(6)(B). Air pollution officials in Maine have been notified of this determination and have indicated their concurrence..

Dated: September 3, 1991.

William K. Reilly,

Administrator.

[FR Doc. 91-21665 Filed 9-9-91; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 300

[FRL-3993-9]

National Oil and Hazardous Substances Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of sites from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of four sites from the Superfund National Priorities List (NPL). The NPL is Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. The sites are: (1) Union Scrap Iron and Metal in Minneapolis, Minnesota; (2) Wedzeb Enterprises in Lebanon, Indiana; (3) Jibboom Junkyard in Sacramento, California; and (4) Lansdowne Radiation in Lansdowne, Pennsylvania. EPA, in consultation with all concerned States (Minnesota, Indiana, California, and Pennsylvania), has determined that all appropriate Fund-financed response under CERCLA has been implemented and that no further response action by responsible parties is appropriate. EPA has concluded that conditions at the sites are protective of the public health, welfare, and the environment. All four States have concurred on the deletion of the sites from the NPL.

EFFECTIVE DATE: September 10, 1991.

FOR FURTHER INFORMATION CONTACT: William O. Ross, Environmental Protection Agency, 401 M St., SW. (Mail Code—OS-220W), Washington, DC 20460, (703) 308-8335.

SUPPLEMENTARY INFORMATION: Under section 105(b) of CERCLA, EPA has established the NPL as a list of priorities among known or threatened releases throughout the United States for potential response action. Sites on the NPL may be the subject of Hazardous Substance Superfund (Fund) financed remedial actions. Sites are deleted from the NPL when all appropriate response actions have been implemented or investigation of the site has shown that the site poses no significant threat. Any sites deleted from the NPL remain eligible for Fund-financed remedial action in the event that conditions at the site are later found to warrant such action. Section 300.425(e)(3) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) provides that whenever there is a significant release from a site deleted from the NPL, the site shall be restored to the NPL without application of the Hazardous Ranking System. Deletion of a site from the NPL does not affect responsible party liability or impede Agency efforts to recover costs associated with response efforts. Specific information about each site follows.

Union Scrap Iron and Metal

The Union Scrap Iron and Metal site is located in Minneapolis, Minnesota. EPA published a Notice of Intent to Delete the Union Scrap Iron and Metal site from the NPL on September 25, 1990 (55 FR 39179). EPA also published a notification in a local newspaper on September 30, 1990. The comment period ended on October 25, 1990. EPA received two written comments, one of which raised procedural questions regarding the effect of the NPL deletion, and another which expressed concern about several areas of contamination near the site. EPA provided detailed responses to these comments in a responsiveness summary, which is contained in the Deletion Docket. Entries in the Deletion Docket may be reviewed at the U.S. EPA Region V office in Chicago, Illinois, and at the Minnesota Pollution Control Agency office in St. Paul, Minnesota.

Wedzeb Enterprises

The Wedzeb Enterprises site is located in Lebanon, Indiana. EPA published a Notice of Intent to Delete the site on March 5, 1991 (56 FR 9187). EPA also published a notification in a local newspaper on March 21, 1991. The comment period ended on April 4, 1991. EPA received no comments. Entries in the Deletion Docket may be reviewed at the EPA Region V office in Chicago, Illinois, and at the Lebanon, Indiana Public Library and the Lebanon, Indiana Mayor's office.

Jibboom Junkyard

The Jibboom Junkyard site is located in Sacramento, California. EPA published a Notice of Intent to Delete the site from the NPL on May 24, 1989 (54 FR 22455). EPA published a notification in a local newspaper on May 25, 1989. The comment period ended on June 26, 1989. EPA received two responses during the comment period. The California Department of Health Services, Toxic Substances Control Division, stated that based on data from EPA's monitor well sampling in April 1989, the conditions at the site do not appear to have adversely impacted the groundwater at the site, and that the Department supports EPA's intention to delete the site from the NPL. The Sacramento County Environmental Management Department also stated that it had reviewed the Notice of Intent to Delete and had no comments. EPA did not provide a responsiveness summary because it was not required. No responses were necessary due to the nature of the comments received. Entries in the Deletion Docket may be reviewed at the U.S. EPA Region IX office in San Francisco, California and at the Sacramento Public Library, Sacramento, California.

Lansdowne Radiation

The Lansdowne Radiation site is located in Lansdowne, Pennsylvania. EPA published a Notice of Intent to Delete the site on March 18, 1991 (56 FR 11391). EPA also published a notification in two local newspapers on March 27, 1991. The closing date for comments was April 26, 1991. EPA received two comments. One of the comments approved of the site deletion. The second comment, expressed by telephone, opined that the site should not be deleted at this time because the caller believed that not enough time had transpired since the completion of the cleanup to assure that the cleanup was adequate. EPA has reviewed the record on the site and has concluded that the site has been completely remediated such that the properties are now appropriate for unlimited access and unrestricted use and that these conditions will not be affected merely by the passage of time. EPA provided detailed responses to these comments in a responsiveness summary, which is contained in the Deletion Docket. The responsiveness summary and entries in the Deletion Docket may be reviewed at the U.S. EPA Region III office in Philadelphia, Pennsylvania, and at the Lansdowne Public Library and the

Lansdowne Borough Municipal Building in Lansdowne, Pennsylvania.

List of Subjects in 40 CFR Part 300

Hazardous waste.

PART 300—[AMENDED]

1. The authority citation for Part 300 continues to read as follows:

Authority: Section 105, Pub. L. 96-510, 94 Stat. 2764, 42 U.S.C. 9605 and sec. 311(c)(2), Pub. L. 92-500 as amended, 86 Stat. 865, 33 U.S.C. 1321(c)(2); E.O. 12316, 46 FR 42237; E.O. 11735, 38 FR 21243.

Appendix B [Amended]

2. The first table in appendix B is amended as follows:

a. Remove NPL Rank 383 from Group 8 (Union Scrap Iron & Metal Co.) and redesignate 384 through 1072 as 383 through 1071;

b. Remove newly redesignated NPL Rank 928 from Group 19 (Wedzeb Enterprises, Inc.) and redesignate newly redesignated 929 through 1071 as 928 through 1070;

c. Remove newly redesignated NPL Rank 1035 (Jibboom Junkyard) and redesignate newly redesignated 1036 through 1070 as 1035 through 1069;

d. Remove newly redesignated NPL Rank 1067 (Lansdowne Radiation Site) and redesignate newly redesignated 1068 and 1069 as 1067 and 1068;

e. The heading "Group 9 (HRS Scores 42.33–41.69)" is revised to read "Group 9 (HRS Scores 42.33–41.60);"

f. The heading "Group 10 (HRS Scores 41.60–39.92)" is revised to read "Group 10 (HRS Scores 41.59–31.89);"

g. The heading "Group 11 (HRS Scores 39.89–38.20)" is revised to read "Group 11 (HRS Scores 39.88–38.20);"

h. The heading "Group 13 (HRS Scores 37.63–35.94)" is revised to read "Group 13 (HRS Scores 37.62–35.79);"

i. The heading "Group 16 (HRS Scores 34.21–33.74)" is revised to read "Group 16 (HRS Scores 34.21–33.73);"

j. The heading "Group 17 (HRS Scores 33.73–32.89)" is revised to read "Group 17 (HRS Scores 33.73–32.87);"

k. The heading "Group 18 (HRS Scores 32.87–31.94)" is revised to read "Group 18 (HRS Scores 32.77–31.94);"

l. The heading "Group 19 (HRS Scores 31.94–30.93)" is revised to read "Group 19 (HRS Scores 31.94–30.93);" and

m. The heading "Group 20 (HRS Scores 30.90–29.88)" is revised to read "Group 20 (HRS Scores 30.83–29.85)."

Dated: August 30, 1991.

Don R. Clay,

Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 91-21666 Filed 9-9-91; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6876

[OR-943-4214-10; GP1-167; OR-9651]

Withdrawal of National Forest System Lands for the Ashland Research Natural Area, the Jackson Campground Extension, and the Kanaka Campground; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 1,853.66 acres of National Forest System land in the Rogue River National Forest from mining for a period of 20 years to protect the Forest Service's Ashland Research Natural Area, the Jackson Campground Extension, and the Kanaka Campground. The lands have been and remain open to such forms of disposition as may by law be made of National Forest System lands and to mineral leasing.

EFFECTIVE DATE: September 10, 1991.

FOR FURTHER INFORMATION CONTACT: Linda Sullivan, BLM, Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-280-7171.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described National Forest System lands are hereby withdrawn from location and entry under the United States mining laws (30 U.S.C. ch. 2), but not from leasing under the mineral leasing laws, to protect a Forest Service research natural area, campground extension, and a campground:

Willamette Meridian

Rogue River National Forest

Ashland Research Natural Area

A tract of land within sections 21, 27, 28, 33, and 34, T. 39 S., R. 1 E., and sections 3, 4, 9, and 10, T. 40 S., R. 1 E., described as follows: Beginning at a point 231 feet south and 825 feet west of the section corner common to sections 21, 22, 27, and 28, T. 39 S., R. 1 E., which point is on the centerline of Forest Service Road No. 3963 (Ashland Loop Road); thence southerly along the centerline of said road to its junction with Forest Service Road No. 3935 (Horn Gap Road); thence southerly, westerly, and northerly along the centerline of said Road No. 3935 to its junction with Forest Service Road No. 3935D (Winburn Point Road); thence northerly along the centerline of said Road No. 3935D to a point on the north section line of section 33, T. 39 S., R. 1 E., which point is 1,782 feet west of the section corner common to sections 27, 28, 33, and 34, T. 39 S., R. 1 E.; thence N. 49°00' W., 495 feet along crest of a ridgetop, the divide between the East Fork and West Fork of Ashland Creek; thence N. 22°00' W., 726 feet descending along crest of said ridge; thence N. 45°00' W., 1,320 feet descending along crest of said ridge; thence N. 23°00' W., 891 feet along said ridge; thence N. 55°00' W., 858 feet to West Fork of Ashland Creek; thence N. 55°00' E., 726 feet along the southeastern edge of Reeder Reservoir; thence northerly 1,980 feet along the west 1/16th line of section 28, T. 39 S., R. 1 E., to the top of a small ridge; thence N. 64°00' E., 1,716 feet ascending along the top of said ridge; thence S. 74°00' E., 1,221 feet along the top of a ridge labeled "3842"; thence S. 27°00' E., 1,188 feet descending a spur of said ridge to the point of beginning.

The area described contains approximately 1,518 acres in Jackson County.

Jackson Campground Extension

T. 40 S., R. 3W.,
Sec. 5, E½ of lot 3, NE¼SE¼NW¼, W½SE¼NW¼, W½NE¼SW¼, SE¼NE¼SW¼, E½NW¼SW¼, and SE¼SW¼.

The area described contains 139.66 acres in Jackson County.

Kanaka Campground

T. 40 S., R. 3 W.,
Sec. 19, lots 2, 3, 4, and 6.

The area described contains 196 acres in Jackson County.

The areas described above aggregate approximately 1,853.66 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of National Forest System lands under lease, license, or permit, or governing the disposal of its mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

Dated: September 3, 1991.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 91-21627 Filed 9-9-91; 8:45 am]

BILLING CODE 4310-33-M

43 CFR Public Land Order 6877

[CA-940-4214-10; CAS 052439]

Partial Revocation of Public Land Order No. 1817; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order insofar as it affects 80 acres of National Forest System lands withdrawn for use as a recreation area. The lands are no longer needed for this propose and the revocation is necessary to permit disposal of the lands through land exchange under the General Exchange Act of 1922. This action will open the lands to such forms of disposition as may by law be made of National Forest System lands. The lands are temporarily closed to mining by a Forest Service exchange proposal. The lands have been and will remain open to mineral leasing.

EFFECTIVE DATE: October 10, 1991.

FOR FURTHER INFORMATION CONTACT: Judy Bowers, BLM California State Office, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, 916-978-4820.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 1817, which withdrew National Forest System lands for use as a recreation area, is hereby revoked insofar as it affects the following described lands:

Mount Diablo Meridian

T. 16 N., R. 16 E.,
Sec. 33, NE¼SE¼, SE¼SW¼.
The areas described aggregate 80 acres in Placer County.

2. At 10 a.m. on October 10, 1991, the lands shall be opened to such forms of disposition as may by law be made of National Forest System lands, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law.

Dated: September 3, 1991.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 91-21625 Filed 9-9-91; 8:45 am]

BILLING CODE 4310-40-M

43 CFR Public Land Order 6878

[CA-940-09-4214-10; CACA 18170]

Partial Revocation of Secretarial Order Dated September 21, 1925; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes a Secretarial order insofar as it affects 10 acres of land withdrawn for Powersite Classification No. 115. The land is no longer needed for the purpose for which it was withdrawn. This action will also remove the need for the restrictions imposed on the land by section 24 of the Federal Power Act. The land is not open to mining or mineral leasing.

EFFECTIVE DATE: September 10, 1991.

FOR FURTHER INFORMATION CONTACT: Viola Andrade, BLM California State Office, 2800 Cottage Way, Sacramento, California 95825, 916-978-4815.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of September 21, 1925, creating Powersite Classification No. 115, is hereby revoked insofar as it affects the following described land:

Humboldt Meridian

T. 7 N., R. 5 E.,
Sec. 20, E½E½NW¼SW¼.
The area described contains 10 acres in Humboldt County.

2. At 10 a.m. on September 10, 1991, the land described in paragraph 1 shall be relieved of the need for the restrictions imposed by section 24 of the Federal Power Act of June 10, 1920, as amended (16 U.S.C. 818).

Dated: September 3, 1991.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 91-21626 Filed 9-9-91; 8:45 am]

BILLING CODE 4310-40-M

43 CFR Public Land Order 6879

[OR-943-4214-10; GP1-130; OR-19165]

Opening of Land Subject to Section 24 of the Federal Power Act; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order opens 40 acres of National Forest System land withdrawn by the Secretarial Order dated September 9, 1936, for Powersite Classification No. 291 to permit consummation of a pending Forest Service land exchange, subject to the provisions of section 24 of the Federal Power Act.

EFFECTIVE DATE: October 10, 1991.

FOR FURTHER INFORMATION CONTACT: Linda Sullivan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-280-7171.

By virtue of the authority vested in the Secretary of the Interior by section 24 of the Federal Power Act of June 10, 1920, as amended, 16 U.S.C. 818, and pursuant to the determination by the Federal Energy Regulatory Commission in DVOR-616, it is ordered as follows:

1. The following described land is hereby opened to disposal by land exchange as specified in Federal Energy Regulatory Commission determination DVOR-616, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920, as amended, 16 U.S.C. 818:

Willamette Meridian

Willamette National Forest

T. 10 S., R. 6 E.,
Sec. 21, SE¼NW¼.
The area described contains 40 acres in Linn County.

2. At 8:30 a.m., on October 10, 1991, the land will be opened to such forms of disposition as may by law be made of National Forest System land, subject to valid existing rights, the provisions of existing withdrawals, the provisions of section 24 of the Federal Power Act, other segregations of record, and the requirements of applicable law.

Dated: September 3, 1991.

Dave O'Neal

Assistant Secretary of the Interior.

[FR Doc. 91-21628 Filed 9-9-91; 8:45 am]

BILLING CODE 4310-33-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 90-456; RM-7396]

Radio Broadcasting Services; Warrenton, GA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 226C3 for Channel 226A at Warrenton, Georgia, and modifies the construction permit for Station WSAA(FM) to specify operation on the higher class channel, at the request of Radio Warrenton. See 55 FR 43147,

October 26, 1990. Channel 226C3 can be allotted to Warrenton in compliance with the Commission's minimum distance separation requirements with a site restriction of 18.4 kilometers (11.5 miles) west of the city, in order to avoid a short-spacing to an application for Station WEAS(FM), Channel 226C1, Savannah, Georgia. The coordinates are North Latitude 33–27–42 and West Longitude 82–50–56. With this action, this proceeding is terminated.

EFFECTIVE DATE: October 18, 1991.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90–456, adopted August 22, 1991, and released September 3, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by removing Channel 226A and adding Channel 226C3 at Warrenton.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91–21559 Filed 9–9–91; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket Nos. 87–410 and 88–159; RM–5802, RM–6206, RM–6207, and RM–6204]

FM Radio Broadcasting Services; Waterbury and Royalton, VT, and New London, NH

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission grants the Petition for Reconsideration filed by Plattsburgh Broadcasting Corporation to the extent that full Class C status is restored to Channel 260 at Plattsburgh, New York and the mutually exclusive allotment of Channel 259A at Royalton, Vermont is rescinded. The Commission also rescinds the Channel 277C2 allotment to Waterbury, Vermont and reallots Channel 276A to that community. We rescind the substitution of Channel 286A for Channel 278A at Plattsburgh, New York and reallot Channel 278A to that community. We also allot Channel 277A to Royalton and Channel 259A to New London, New Hampshire. See Federal Register 27021, June 27, 1989. See also Supplemental Information, *infra.*

EFFECTIVE DATE: October 21, 1991. The window period for filing applications will open on October 22, 1991, and close on November 21, 1991.

FOR FURTHER INFORMATION, CONTACT: J. Bertron Withers, Jr., Mass Media Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum Opinion and Order, MM Docket Nos. 87–410 and 88–159, adopted August 20, 1991 and released September 4, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

Channel 277A may be allotted to Royalton in compliance with the Commission's minimum interstation distance separation requirements using a site restricted to 9.4 kilometers (5.8 miles) south of Royalton at North Latitude 43–43–54 and West Longitude 72–31–58. Channel 276A can be reallotted to Waterbury in compliance with the Commission's minimum interstation distance separation requirements using a site restricted to 11.3 kilometers (7.0 miles) south-southeast of Waterbury at North Latitude 44–18–15 and West Longitude 72–37–24. Channel 259A can be allotted to New London in compliance with the Commission's minimum interstation distance separation requirements without a site restriction at coordinates North Latitude 43–24–50 and West Longitude 71–59–08. Channel 278A can be allotted to Plattsburgh in compliance with the Commission's minimum interstation distance separation requirements without a site restriction at coordinates North Latitude 44–41–58 and West Longitude 73–27–12. Canadian concurrence has been obtained for all allotments. With this action, the proceeding is terminated.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New Hampshire, is amended by adding Channel 259A, New London.

3. Section 73.202(b), the Table of FM Allotments under New York, is amended by removing Channel 286A and adding Channel 278A at Plattsburgh, and by removing Channel 260C1 and adding Channel 260C at Plattsburgh.

4. Section 73.202(b), the Table of FM Allotments under Vermont, is amended by removing Channel 259A and adding Channel 277A at Royalton, and by removing Channel 277C2 and adding Channel 276A at Waterbury.

Federal Communications Commission.

Douglas W. Webbink,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91–21560 Filed 9–9–91; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

Radio Broadcasting Services; Various Communities

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, on its own motion, editorially amends the Table of FM Allotments to specify the actual classes of channels allotted to various communities. The changes in channel classifications have been authorized in response to applications filed by licensees and permittees operating on these channels. This action is taken pursuant to Revision of § 73.3573(a)(1) of the Commission's Rules Concerning the Lower Classification of an FM Allotment, 54 FR 11953, March 23, 1989, and Public Notice, Reclassification of Certain FM Facilities Pursuant to MM Docket No. 88–375, released June 26 1991.

EFFECTIVE DATE: October 21, 1991.

FOR FURTHER INFORMATION CONTACT: Michael C. Ruger, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, adopted August 26, 1991, and released September 5, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1714 21st Street, NW., Washington, DC 20036, (202) 452-1422.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Alaska, is amended by removing Channel 271C and adding Channel 271C3 at Anchorage; removing Channel 284C2 and adding Channel 284C3 at Fairbanks; removing Channel 286C2 and adding Channel 286A at Juneau; removing Channel 290C2 and adding Channel 290C3 and removing Channel 294C2 and adding Channel 294A at Ketchikan; removing Channel 284C2 and adding Channel 284A at Sitka; and removing Channel 243C and adding Channel 243C3 at Soldotna.

3. Section 73.202(b), the Table of FM Allotments under Arkansas, is amended by removing Channel 300C and adding Channel 300C1 at Jonesboro.

4. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by removing Channel 258C and adding Channel 258C1 at Denver; and removing Channel 256C2 and adding Channel 256C3 at Glenwood Springs.

5. Section 73.202(b), the Table of FM Allotments under Idaho, is amended by removing Channel 251C2 and adding Channel 251C3 at Rexburg.

6. Section 73.202(b), the Table of FM Allotments under Iowa, is amended by removing Channel 247C and adding Channel 247C1 at Des Moines; removing Channel 225C and adding Channel 225C1 at Dubuque; and removing Channel 225C2 and adding Channel 225C3 at Ida Grove.

7. Section 73.202(b), the Table of FM Allotments under Kansas, is amended by removing Channel 236C and adding Channel 236C1 at Wichita.

8. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by removing Channel 279C and adding Channel 279C1 at Lake Charles.

9. Section 73.202(b), the Table of FM Allotments under Marianas, is amended by removing Channel 280C2 and adding Channel 280A at Garapan-Saipan.

10. Section 73.202(b), the Table of FM Allotments under Michigan, is amended by removing Channel 294C and adding Channel 294C1 at Gaylord; removing Channel 229C and adding Channel 229A at Newberry; and removing Channel 267C and adding Channel 267C1 at Sault Ste. Marie.

11. Section 73.202(b), the Table of FM Allotments under Minnesota, is amended by removing Channel 264C and adding Channel 264C1 and removing Channel 222C2 and adding Channel 222C3 at Alexandria; removing Channel 260C and adding Channel 260C1 at Moorhead; and removing Channel 273C and adding Channel 273C1 at Willmar.

12. Section 73.202(b), the Table of FM Allotments under Mississippi, is amended by removing Channel 283C and adding Channel 283C1 at Hattiesburg; removing Channel 289C and adding Channel 289C1 at McComb; and removing Channel 221C2 and adding Channel 221C3 at Yazoo City.

13. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by removing Channel 273C and adding Channel 273C1 at Joplin.

14. Section 73.202(b), the Table of FM Allotments under Nebraska, is amended by removing Channel 241C and adding Channel 241C1 at Crookston; removing Channel 243C and adding Channel 243C1 at Grand Island; removing Channel 274C and adding Channel 274C1 at Lincoln; and removing Channel 241C and adding Channel 241A at McCook.

15. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by removing Channel 239C2 and adding Channel 239C3 at Hobbs; and removing Channel 264C2 and adding Channel 264C3 at Las Vegas.

16. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by removing Channel 279C and adding Channel 279C1 at Anadarko.

17. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by removing Channel 281C2 and adding Channel 281C3 at Tillamook.

18. Section 73.202(b), the Table of FM Allotments under South Dakota, is amended by removing Channel 279C1 and adding Channel 279C3 at Redfield.

19. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 234C and adding Channel 234C1 at El Paso.

20. Section 73.202(b), the Table of FM Allotments under Utah, is amended by removing Channel 225C1 and adding Channel 225C2 at Logan; and removing Channel 290C2 and adding Channel 290C3 at Vernal.

21. Section 73.202(b), the Table of FM Allotments under Washington, is amended by removing Channel 284C1 and adding Channel 284C2 at Aberdeen.

22. Section 73.202(b), the Table of FM Allotments under Wisconsin, is amended by removing Channel 279C and adding Channel 279C1 at Ladysmith.

23. Section 73.202(b), the Table of FM Allotments under Wyoming, is amended by removing Channel 243C2 and adding Channel 243C3 at Sheridan.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-21718 Filed 9-9-91; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 91-134; RM-7708]

Television Broadcasting Services; Wailuku, HI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 39 to Wailuku, Hawaii, as that community's sixth commercial television service. See 56 FR 22841, May 17, 1991. Channel 39 can be allotted to Wailuku in compliance with § 73.610 of the Commission's Rules. The coordinates are North Latitude 20-53-24 and West Longitude 156-30-24. With this action, this proceeding is terminated.

EFFECTIVE DATE: October 21, 1991.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91-134, adopted August 26, 1991, and released September 5, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Television broadcasting.

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.606(b) [Amended]

2. Section 73.606(b), the Television Table of Allotments, is amended under Hawaii by adding Channel 39 at Wailuku.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-21717 Filed 9-9-91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

Radio Broadcasting Services; Christianstead, VI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 228A for Channel 232A at Christianstead, Virgin Islands, and modifies the construction permit of Station WAVI, Christianstead, Virgin Islands, to specify operation on Channel 228A. This channel substitution and construction permit modification is done on the Commission's motion as the result of international negotiations with the British government. The reference coordinates for the Channel 228A allotment at Christianstead, Virgin Islands, are 17-44-54 and 64-42-18. With this action, this proceeding is terminated.

EFFECTIVE DATE: October 21, 1991.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Order, adopted August 22, 1991, and released September 5, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under the Virgin Islands, is amended by removing Channel 232A and adding Channel 228A at Christianstead.

Federal Communications Commission.

Douglas W. Webbink,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-21719 Filed 9-9-91; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 240

[FRA Docket No. RSOR-9, Notice 6]

RIN 2130-AA51

Qualifications for Locomotive Engineers

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of open meeting.

SUMMARY: On June 19, 1991, FRA issued a final rule establishing minimum qualifications for locomotive engineers (56 FR 28228). The rule becomes effective on September 17, 1991 and requires railroads to have a process for evaluating prospective operators of locomotives and determining that they are competent before permitting them to operate a locomotive or train. Beginning in 1992 railroads will have to adhere to formal, FRA approved, procedures by which they: (1) Will make a series of four determinations about a person's competency; (2) will conduct training programs for locomotive engineers; and (3) will employ standard methods for identifying qualified locomotive engineers and monitoring their performance. To assist interested parties in understanding the rule and these procedures, FRA will hold a public meeting to discuss compliance with this rule.

DATES: The public meeting will be held on Thursday, September 19, 1991, beginning at 9:30 a.m.

ADDRESSES: The public meeting will be held at the Illinois Institute of Technology, Schultz Auditorium, located at the intersection of 35th and State Streets, Chicago, Illinois.

FOR FURTHER INFORMATION CONTACT: Richard M. McCord, Regional Director for Safety, FRA, Chicago, Illinois (Telephone: 312-353-6203); or Lawrence I. Wagner, Trial Attorney, Office of Chief Counsel, FRA, 400 Seventh Street, SW., Washington, DC 20590 (Telephone: 202-366-0628); or Thomas A. Murphy, Office of Safety Enforcement, Office of Safety, FRA, 400 Seventh Street, SW., Washington, DC 20590 (Telephone: 202-366-9178).

SUPPLEMENTARY INFORMATION: On June 19, 1991, FRA issued a final rule establishing minimum qualifications for locomotive engineers (56 FR 28228). The rule becomes effective on September 17, 1991 and requires railroads to have a process for evaluating prospective operators of locomotives and determining that they are competent before permitting them to operate a locomotive or train. Individuals deemed qualified will then be issued qualification certificates by the evaluating railroad and only certified engineers will be authorized to operate trains. Conversion to the certification program commences with identification of individuals authorized to operate locomotives when the rule becomes effective. Such individuals will then be issued initial certification no later than December 31, 1991. This interim presumption of qualification so called "grandfathering" of engineers, will then be replaced over time by formal evaluations of each engineer that employ procedures which comply with this rule.

FRA will hold a public meeting to explain this regulation and to explore matters involving compliance with its provisions. The public meeting is open to all interested parties. The meeting will begin at 9:30 a.m. on Thursday, September 19, 1991, and be held in Shultz Auditorium, at the Illinois Institute of Technology which is located at corner of 35th Street and State Street, Chicago, Illinois.

Issued in Washington, DC, on September 3, 1991.

Michael T. Haley,

Deputy Chief Counsel.

[FR Doc. 91-21554 Filed 9-9-91; 8:45 am]

BILLING CODE 4910-06-M

Proposed Rules

Federal Register
Vol. 56, No. 175
Tuesday, September 10, 1991

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 273 and 277

[Amdt. No. 342]

Food Stamp Program: Recipient Claims and Automated Data Processing (ADP) Funding Requirements

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rulemaking proposes changes to Food Stamp Program recipient claims and ADP requirements set forth in Program regulations at 7 CFR 273.13, 273.18, 277.4 and 277.18. These changes are mandated by the Mickey Leland Memorial Domestic Hunger Relief Act (Pub. L. 101–624). The Act amends the timeframe for household election of a repayment method for intentional Program violation (IPV) claims, changes the claims retention rates on food stamp recipient claims for State agencies and reduces the enhanced funding rate for the costs of planning, designing, developing or installing ADP and information retrieval systems. This rule is intended to codify Congressional action on these funding provisions. This rule also contains proposed language limiting enhanced funding requests for automated systems to initial system development or one-time start-up costs. This rule would also clarify exceptions to notice of adverse action requirements when an allotment is reduced to recoup a recipient claim, correct two errors relating to recipient claims which were made in the Administration Management rule published February 22, 1990, and apply the amended timeframe for selection of repayment method to inadvertent household error (IHE) claims. In addition, a clarification of the Federal funding rates allowed for preparation of a Planning Advance Planning Document (PAPD) is included.

DATES: Comments must be received on or before October 10, 1991 in order to be assured of consideration.

ADDRESSES: Comments should be addressed to Marilyn P. Carpenter, Chief, State Administration Branch, Program Accountability Division, Food and Nutrition Service (FNS), 3101 Park Center Drive, Alexandria, Virginia 22302. All written comments will be open to public inspection during regular business hours (8:30 a.m. to 5 p.m., Monday through Friday) at 3101 Park Center Drive, Alexandria, Virginia, room 905.

FOR FURTHER INFORMATION CONTACT: Questions concerning this proposed rulemaking should be addressed to Ms. Carpenter at the above address or by telephone at (703) 756–3383.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291/Secretary's Memorandum 1512–1

This proposed action has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512–1. The rule will affect the economy by less than $100 million a year. The action will not significantly raise costs or prices for consumers, industries, government agencies or geographic regions. There will not be a significant adverse effect on competition, employment, investment, productivity, innovation or on the ability of United States enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, the Department has classified the rule as "not major".

Executive Order 12372

The Food Stamp Program is listed in the Catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the final rule and related notice to 7 CFR 3015, subpart V (48 FR 29115), this Program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

This action has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354, 94 Stat. 1164, September 19, 1980). Betty Jo Nelsen, Administrator of the Food and Nutrition Service, has certified that this rule does not have a significant economic impact on a substantial number of small entities. This rule will affect the State and local agencies which administer the Food Stamp Program.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the reporting and recordkeeping burden associated with the Notice of Adverse Action and the demand letter for recipient claims is approved by the Office of Management and Budget (OMB) under OMB number 0584–0064. The reporting and recordkeeping burden associated with the collection of claims assessed against food stamp households have been approved by OMB under OMB number 0584–0069. Information collection requirements relating to automated data processing and information retrieval systems have been approved by OMB Approval No. 0584–0083. The provisions of this rule do not contain any additional reporting and/or recordkeeping requirements subject to OMB approval.

Background

The Mickey Leland Memorial Domestic Hunger Relief Act (Pub. L. 101–624) was enacted on November 28, 1990. Public Law 101–624 made a number of changes to the Food Stamp Act of 1977, as amended. This proposed rulemaking pertains to those provisions related to recipient claims and the funding rates for ADP and information retrieval systems. These provisions are discussed below:

Repayment Decision Timeframes

Section 1746 of Public Law 101–624 amended section 13(b)(1)(A) of the Food Stamp Act of 1977, as amended. Before the amendment, households with individuals disqualified for intentionally violating the Food Stamp Program had 30 days to agree to allotment reduction or repayment in cash. Households which did not elect a repayment method within 30 days of demand, or which failed to make an agreed-to payment, were subject to involuntary allotment reduction. The legislation amended the timeframe for household election of repayment method. Households must now elect allotment reduction or cash repayment "on the date of receipt (or, if

the date of receipt is not a business day, on the next business day)" of a demand for repayment or be subject to involuntary allotment reduction.

The rules at 7 CFR 273.18(d)(4)(i) apply the now-amended 30-day response standard to IHE as well as to IPV claims. The Department considered retaining the 30-day response standard for IHE claims since the legislation did not address that type of claim. However, the 30-day response standard for IHE claims in current rules was derived from the 30-day standard for IPV claims mandated by prior law. Therefore, for purposes of continuing to provide for consistency in claims procedures for State agencies, to allow for coordination with collection of claims by the Aid to Families with Dependent Children Program, and to avoid adverse impact upon the collection of IHE claims, the Department proposes to apply the "date of receipt" timeframe to IHE as well as IPV claims.

The Department believes that State agencies are in the best position to determine what requirements for household action will meet the "date of receipt" requirement while taking into account due process and practical considerations. The Department believes it would be impracticable to establish a nationwide rule for determining whether a household has responded on the date of receipt. State agencies may need to use different methods of delivery of the notice based on such factors as rural versus urban project areas. Also, mail delivery times may vary significantly from State to State or even within a given State. Consequently, in determining the timeliness of the household's election of repayment method, State agencies will need to consider whether the demand letter is delivered to the household in person or through the mail and, if delivered by mail, how many days should be allowed for the household to receive the notice and the State agency to receive the household's reply. A State agency may wish to consult legal counsel with a view toward establishing standards which incorporate rules related to timeliness of mail receipt which are comparable to those used in similar administrative proceedings and which have been found to meet due process requirements in the State.

For these reasons, this rulemaking proposes to amend the regulations to provide that State agencies shall recoup IHE and IPV claims by allotment reduction when participating households do not timely respond to the demand for election of repayment method. The proposed § 273.18(d)(4)(i)(A) defines timely depending on the method of delivery of the demand letter. If the demand letter is delivered to the household in person, the household would be required to inform the State of its choice of repayment method on that day or be subject to allotment reduction. In other cases, such as demand letters delivered by mail, the agency would establish the timeframe for the household's reply in order to deem that the household made its election on the date of receipt of the notice. Congress intended this timeframe to be as short as possible. In its deliberation, Congress considered reducing the 30-day period to 10 days, but then decided to reduce it even more. Consequently, State agencies should take this Congressional concern into account and make sure that the timeframe they set does not exceed 10 days. This rule also proposes to add to § 273.18(d)(3)(iii) a reference to § 273.18(d)(4)(i)(A) in order to make sure requirements for the content of the demand letter are clear.

Proposed § 273.18(4)(i)(B) states when an allotment reduction would become effective. Once allotment reduction is elected or deemed to be elected (by failure of a household to timely respond to the demand for election), the allotment reduction would generally begin at the earliest possible time that is consistent with the existing benefit decrease procedures in § 273.12(c)(2).

The exception is that allotment reduction could not begin for households required to make an election of repayment method but who have not yet had an opportunity to elect to receive continued benefits pending a fair hearing, or are already receiving continued benefits pending a fair hearing. In order to ensure that such households are able to exercise these rights, the proposed § 273.18(d)(4)(i)(B) specifies two exceptions to the general rule that allotment reduction is to begin as soon as practical. First, where the household was not previously provided with a notice of adverse action on the underlying claim, it must be afforded the opportunity to request continued benefits as provided in §§ 273.13(a)(1) and 273.15(k) before allotment reduction may begin (i.e., if the claim itself or its amount was not established in a fair hearing, the demand letter must also contain or be accompanied by the appropriate notice of appeal rights.) Second, for households which act to receive continued benefits, or which are already receiving continued benefits at the time the election is made, allotment reduction would not begin until an adverse fair hearing determination is issued or the certification period ends.

The rule would also amend 7 CFR 273.13(b). That paragraph lists exceptions to the requirement for individual notices of adverse action. In order to avoid confusion, the rule would add to that list an exception for situations where State agencies are initiating allotment reduction against a household which has previously been provided notice of its appeal rights for the underlying claim. (See 7 CFR 273.13(b).) In this regard it should be noted that allotment reduction itself is not an adverse action and does not require a notice of adverse action; it is the underlying claim which constitutes the adverse action.

Notices on Recipient Claims

Current rules at 7 CFR 273.18(d)(3) require a notice of adverse action when the amount of the claim was not established in a fair hearing. The requirement should apply to claims not established in fair hearings. The language in the current rules is an inadvertent error which occurred in the final of the Administration/Management rule published February 22, 1990 (55 FR 6233).

The Department intended to make final the language proposed on this issue (March 9, 1987, at 52 FR 7158). That proposed rule would have required a notice of adverse action when the claim was not established by a fair hearing. This requirement was proposed in response to a court finding (in *Escamilla* v. *Nebraska*) that the State agency's demand letter substantially complied with the regulations but violated due process because, among other things, it failed to notify households of their right to a fair hearing in any matter affecting their participation and the claim. The rule corrects the error by deleting the more limiting phrase "the amount of" in two places in 7 CFR 273.18(d)(3).

We would note that current rules are correct where, at 7 CFR 273.18(d)(3)(i), they require a notice of a *right to a fair hearing* when *the amount of* a claim was not established at fair hearing (emphasis ours). The rulemaking cited above also established this requirement in response to the court finding.

The Department has chosen this rulemaking as the most expeditious way of dealing with the technical error relating to notices about recipient claims. Readers are requested to consult the preambles to the proposed and final rules cited above for a full discussion of the basis for the policy as proposed, comments on it and on the final rules. The Department believes there is no need for further changes in the policy and expects to make the policy final as

stated herein when this rule is published in final form. Any comments on the policy will be considered and changes made if warranted (See 273.18(d)(3).)

Other Methods of Claims Collection

Current rules specify that when households fail to respond to a demand letter for payment of an IPV claim, State agencies must use other means of collection unless such means are not cost effective. This requirement was established in the Administrative/Management rule published February 22, 1990 (55 FR 6233). That rulemaking inadvertently deleted the provision for the optional use of other methods of collecting State agency error (SAE) and IHE claims. This rule would reinstate that provision as it was worded in prior rules. The Department is addressing this issue in this rulemaking for the reasons discussed in relation to notices about recipient claims. Any comments about the action will also be treated as discussed there. (See 7 CFR 723.18(d)(4)(iii).)

State Agency Retention of Claims Against Households

Section 1750 of Public Law 101-624 revises section 16(a) of the Food Stamp Act of 1977 by reducing the recipient claims retention rate for State agencies from 50 percent to 25 percent for IPV claims and from 25 percent to 10 percent for IHE claims. The new rates are effective for the period beginning October 1, 1990 and ending September 30, 1995. The Act specifies that beginning October 1, 1995, the old rates of 50 percent for IPV claims and 25 percent for IHE claims which were in effect prior to October 1, 1990 will again take effect.

Under 7 CFR 273.18 State agencies are required to establish and collect claims against households that have received more food stamp benefits than they were entitled to receive. There are three categories of claims: IPV, IHE and SAE. State agencies may retain a percentage of the collections at the above stated rates for IPV claims and IHE claims. There is no State agency retention of SAE claim collections.

The new retention rates apply to amounts collected by the State agency and its agents from food stamp households on or after October 1, 1990. This would include, for example, lump sum payments, installment payments, collections from the interception of unemployment compensation benefits or other amounts due the household, recoupments from food stamp benefits due the household, and other amounts actually collected or received by the State agency on or after October 1, 1990.

State agencies are required to report on a quarterly basis the dollar value of claims established against food stamp households by claims category, and the amount the State agency is entitled to retain on Form FNS-209, Status of Claims Against Households. State agencies are required to submit the FNS-209 form on a quarterly basis to the Food and Nutrition Service (FNS) regional office.

States use the FNS-209 form to report information on collections during the reporting period and to report adjustments to prior period (previously reported) collections. There are essentially three types of adjustments concerning previously reported collections. The first type is an adjustment to previously reported collection figures for each claim category due to prior under or over reporting. The second type is transfers of claims (and any previous collection for those claims) from one category to another because of a hearing or court determination (e.g., from IHE to IPV after an administrative or judicial disqualification determination has been made or a signed waiver or disqualification consent agreement has been obtained). The third type involves refunds to households that previously overpaid claims.

The FNS-209 form uses the net collection figure after any adjustments of prior period collections as the basis for calculating the retention amount. This raises the issue of how to treat adjustments of prior period collections which qualify for the retention rates in effect prior to October 1, 1990. Since the Department has previously paid State agencies for these collections at the old retention rates, any adjustment to such collections would also qualify for the old rates. However, the Department recognizes that a number of State agency information systems may not be able to identify prior period collections by collection date for retention rate purposes in the event of an adjustment.

For administrative ease the Department is requiring State agencies to claim on the FNS-209 only the new retention rates for all IPV and IHE collections reported on the FNS-209, including adjustments. This applies to all IPV and IHE collections reported on the FNS-209 beginning with the first quarter Fiscal Year 1991 report.

For FNS-209 reporting purposes only, the new retention rates will apply to collections prior to October 1, 1990 which are reported or adjusted on the first quarter Fiscal Year 1991 or on a subsequent FNS-209. The new rates will apply to both "plus" or "minus" collection adjustments, transfers of claims from one claims category to another, and refunds to households involving collection amounts from prior periods. The Department has taken this position in order to simplify the State agency's calculation of the retention amount on adjustments of collections received prior to October 1, 1990.

Although the new retention rates shall be used on all FNS-209 reports filed beginning with the first quarter of Fiscal Year 1991, collections that were received by the State agency prior to October 1, 1990 will remain eligible for adjustment at the old retention rates. Therefore, if the State agency's information system can identify transactions (i.e., adjustments, transfers, and refunds) occurring in Fiscal Year 1991 but involving collections received prior to October 1, 1990, the State agency has the option to request any additional retention amount due under the higher rates in effect prior to October 1, 1990 for those transactions. State agencies may exercise this option by submitting a letter requesting adjustment of the retention amount to the FNS regional office (FNSRO).

An adjustment request for the additional retention amount can be filed once after the end of Fiscal Year 1991 but no later than November 30, 1991. Such an adjustment request should claim the difference between the old and new retention rates for any collections that qualify and should include appropriate documentation to justify the amount requested. Such an adjustment request must net the effects of all changes from the prior period. Specifically, changes in retention categories for prior years' collections that increase retentions must be netted against changes in retention categories for prior years that reduce retentions. Any refunds to recipients for collections made in prior years must be included in the decreased retention for prior years. At the end of the fiscal year the Letter of Credit adjustment would be based on the FNS-209 report and any adjustment request.

In March 1991, the Department directed State agencies administering the Food Stamp Program to implement the new retention rates for FNS-209 reporting and payment purposes. The prompt implementation was necessary prior to rulemaking to comply with the Act, to promptly collect the Department's mandated share of collections, and to minimize the need for revised quarterly FNS-209 reports by State agencies due to retroactive implementation of the law. Effective with the first quarter Fiscal Year 1991 FNS-209 report, the Department has

been recovering funds from State agencies through an adjustment to the State's Letter of Credit for claims collections at the new retention rates in accordance with the Act. The changes proposed here will bring the regulations into conformity with the Act. The proposed rule does not change the new retention rates which were implemented by the Department in March 1991. It merely proposes to incorporate the new retention rates into the regulations. Although the Department has taken action to implement the new retention rates beginning with the first quarter Fiscal Year 1991 FNS–209 report, this rulemaking is still necessary in order to codify the new retention rates in § 273.18.

The Department requests public comments because they may be beneficial to the rulemaking. However, commenters should note that the new retention rates and the implementation date were mandated in the Act and are not items involving Departmental discretion. Any comments received by the deadline stated above for comments will be considered in the final rule.

In the regulatory text, FNS is using the term "State agency". However, under our longstanding policy this term would include agents of the State agency such as prosecutors and probation officers which collect food stamp claims on behalf of the State agency. Any amounts collected by such agents must also be transmitted by the State agency to FNS and would be eligible for the claims retention rate applicable for that claim category.

ADP Enhanced Funding Rate Reduction To 63 Percent

On June 11, 1982 the Department published a rule at 47 FR 25496 to implement section 129 of Public Law 96–249, which allowed enhanced Federal financial participation (FFP) at the 75 percent level for costs associated with the planning, design, development, acquisition, or installation of ADP systems. In § 227.18, the Department codified the requirements and procedures for State agencies to receive 75 percent funding for certain ADP developmental projects.

Section 1752 of Public Law 101–624, enacted on November 28, 1990, changes the current 75 percent enhanced funding rate for ADP and information retrieval systems. The law reduces the enhanced rate for the costs of planning, designing, developing or installing ADP information retrieval systems to 63 percent. This new rate is effective October 1, 1991. Under section 1752(b), this change in the funding rate does not apply to proposals approved prior to the enactment date of November 28, 1990. Such projects will continue to be reimbursed at the 75 percent rate up to the funding level approved prior to November 28, 1990.

State agency proposal approved on or after November 28, 1990 and requests for modifications which increase expenditures approved at the enhanced level by FNS during the period November 28, 1990 through September 30, 1991 (e.g., modifications to fixed price contracts) will be funded at the 75 percent level through September 30, 1991. The enhanced rate will then be reduced to the 63 percent level for the time remaining in the approval period. Modifications approved after September 30, 1991 will be reimbursed at the enhanced rate of 63 percent.

Proposals shall only be eligible for the higher enhanced rate when all paperwork required by § 277.18 is approved by FNS by the appropriate deadline above. Thus all required paperwork must be submitted to FNS sufficiently in advance of these deadlines to allow time for approval. Systems requests for which all required paperwork cannot be approved prior to the appropriate deadline set forth above shall be eligible for funding at the lower, 63 percent enhanced rate.

One-time Enhanced Funding.

The Department is taking this opportunity to propose that all requests for more than one-time enhanced funding for automated system development in a particular State be denied. The Food Stamp Amendments of 1980 established the authority for USDA to provide 75 percent of the costs involved in the planning, development or installation of automated systems used in the administration of the Food Stamp Program. However, the General Accounting Office (GAO), in an audit issued in April 1988 (RCED–88–58) "Progress and Problems in Using 75-Percent Funding for Automation", interpreted the intent of the legislation to be different from the Department's original interpretation. GAO's interpretation of the Act was that enhanced funding for automation is only available for a first attempt at automation development. In an effort to be responsive to the GAO finding the Agency's practice has been to limit the approval of more than one-time enhanced funding requests to very specific circumstances. Based on the Agency's experience with these funding decisions, the Department is taking this opportunity to propose language at § 277.18(g)(1) which limits enhanced funding for automation development to one time. Therefore, once a State has received enhanced funding for development or implementation of an ADP system, no further enhanced funding will be approved for subsequent development or implementation efforts.

Federal Funding for Preparation of the Planning Advance Planning Document (PAPD)

Finally, the Department is taking this opportunity to clarify the rate of Federal Financial Participation (FFP) allowed for the preparation of a PAPD and the rate of FFP allowed for project planning phase activities. There has been confusion concerning the rate of FFP that is allowed for the preparation of a PAPD. Current regulations at § 277.18(g) give State agencies the option to request reimbursement at the enhanced funding rate for the costs of planning, design, development or installation of ADP and information retrieval systems. State agencies are entitled to receive the enhanced funding rate for approved costs of both the Project Planning and Implementation Phases.

However, it was not the Department's intent that the preparation of the PAPD be funded at the enhanced rate. The PAPD is intended to be a brief written plan of action which describes the State agency's needs, objectives, intended planning activities and timeframes, and proposed budget. The PAPD should also include a commitment to perform the necessary planning activities as a condition for FFP for the planning activities. Since there should be no major costs incurred during the preparation of this 8–10 page document State agency staff costs would be reimbursed at the usual 50 percent rate for State administrative expense. The actual costs of the planning phase activities, for example the costs of preparing the functional requirements specification document, feasibility study, or alternative analysis will be reimbursed at the enhanced level if the PAPD was approved at that level. The Department anticipates that major costs will be incurred during the planning phase itself rather than during the preparation of the descriptive 8–10 page document.

Implementation

Section 1746, relating to household election of the repayment method, was effective on the date of enactment of Public Law 101–624 and should be implemented by State agencies as soon as possible. Section 1750, which reduces the State agency retention rates on claim collections applies, by its terms, to the period beginning October 1, 1990, and ending September 30, 1995. By its

terms, section 1752 which reduces the enhanced funding level for ADP applies to costs incurred on October 1, 1991, and thereafter and does not apply to ADP plans approved prior to November 28, 1990, the date of enactment of Public Law 101-624. Because the proposed amendment to § 277.4 relating to one-time enhanced funding and to Federal funding for preparation of planning APD's merely codifies existing practice, the Department proposes that it be effective 30 days following publication of the final rule consistent with the requirements of 5 U.S.C. 553(d).

List of Subjects

7 CFR Part 273

Administrative practice and procedure, Aliens, claims, Food stamps, Fraud, Grant programs-social programs, Penalties, Records, Reporting and recordkeeping requirements, Social Security, Students.

7 CFR Part 277

Food stamps, Government procedure, Grant programs—social programs, Investigations, Records, Reporting and recordkeeping requirements.

Accordingly, 7 CFR parts 273 and 277 are proposed to be amended as follows:

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

1. The authority citation for part 273 continues to read as follows:

Authority: 7 U.S.C. 2011-2031.

2. In § 273.13, a new paragraph (b)(14) is added to read as follows:

§ 273.13 Notice of adverse action.

* * * * *

(b) *Exemption from notice.* * * *

(14) The State agency initiates recoupment of a claim as specified in § 273.18(g)(4) against a household which has previously received a notice of adverse action with respect to such claim.

3. In § 273.18:

a. The third sentence and the last sentence of paragraph (d)(3) introductory text are amended by removing the words "the amount of";

b. Paragraph (d)(3)(iii) is revised;

c. Paragraph (d)(4)(i) is revised;

d. Paragraph (d)(4)(iii) is amended by adding a new sentence following the first sentence;

e. Paragraphs (h) through (l) are redesignated as paragraphs (i) through (m) respectively, and a new paragraph (h) is added; and

f. Newly redesignated paragraph (i)(1) is revised in its entirety.

The revisions and additions read as follows:

§ 273.18 Claims against households.

* * * * *

(d) *Collecting claims against households* * * *

(3) *Initiating collection on claims* * * *

(iii) For inadvertent household error and intentional Program violation claims, the letter shall inform the household that it must, within the time specified in paragraph (4)(i)(A) of this section, elect which method of repayment it will choose, either cash repayment or allotment reduction, and inform the State agency of its election. The letter shall also advise the household that if it fails to make a timely election its allotment shall be reduced.

* * * * *

(4) *Action against households which fail to respond.*

(i) Participating households which do not respond timely or fail to respond to the demand for election of a method of repayment shall be deemed to have elected allotment reduction.

(A) *Time for response.* Households shall elect a method of repayment on the date of receipt of the demand letter (or if the date of receipt is not a business day, on the next business day). Each State agency shall determine a deadline by which it must receive the household's election, taking into account both the means used to deliver the demand letter, and the requirement that the household elect a method of repayment on the date of receipt. The State agency may establish such deadlines depending upon whether the demand letter is delivered in person, by mail, or by some other means.

(B) *Commencement of allotment reduction.* When a household elects, or is deemed to have elected allotment reduction under this section, the allotment reduction shall commence as provided in § 273.12(c)(2) of this part, with the first appropriate allotment issued after the election, except where:

(1) The household has not previously been provided a notice of adverse action on the underlying claim, in which case it shall not have its allotment reduced prior to the expiration of the advance notice period provided for in §§ 273.13(a) and 273.15(k) of this part. At the expiration of the advance notice period, the household's allotment shall be reduced, unless it has elected to receive continued benefits pending a fair hearing decision under § 273.15(k) of this part; or,

(2) The household has previously been provided notice of adverse action on the underlying claim and is receiving continued benefits pending a fair hearing determination under § 273.15(k) of this part.

* * * * *

(iii) * * * The State agency may also pursue other collection actions, as appropriate, to obtain restitution of a claim against any household which fails to respond to a written demand letter for repayment of any inadvertent household error or administrative error claim.

* * *

* * * * *

(h) *Retention rates.* The following retention rates shall apply for claims collected by the State agency, including the value of allotment reductions for the purpose of collection claims but not allotment reductions due to disqualification:

(1) For amounts collected prior to October 1, 1990, the State agency shall retain 25 percent of the value of inadvertent household error claims collected and 50 percent of the value of intentional Program violation claims collected;

(2) For amounts collected during the period October 1, 1990 through September 30, 1995, the State agency shall retain 10 percent of the value of inadvertent household error claims collected and 25 percent of the value of intentional Program violation claims collected;

(3) For amounts collected on or after October 1, 1995, the State agency shall retain 25 percent of the value of inadvertent household error claims collected and 50 percent of the value of intentional Program violation claims collected;

(4) The State agency shall not retain any percentage of the value of administrative error claims collected.

(i) *Submission of payments.* (1) The State agency shall retain the value of funds collected for inadvertent household error, intentional Program violation, or administrative error claims rather than forwarding the payments to FNS. This amount includes the total value of allotment reductions to collect claims, but does not include the value of benefits not issued as a result of a household member being disqualified. The State's letter of credit will be amended on a quarterly basis to reflect the State agency's retention of the value of claims collected as specified in paragraph (h) of this section. For FNS-209 reporting purposes, State agencies

shall calculate the retention amount using the appropriate rate specified in paragraph (h) of this section which is in effect during the reporting period for the report. For those claims collected in Fiscal Year 1990 for which adjustments are made and reported in Fiscal Year 1991, states may request a one-time correction to reflect the difference between the old, higher rate (paragraph (h)(1) of this section) which is applicable to those claims, and the new, lower rate (paragraph (h)(2) of this section) at which the adjustments to those claims were reported on the FNS–209. Such a request for correction may be filed with the appropriate FNS regional office after Fiscal year 1991, but no later than November 30, 1991. The request must be in writing, must include appropriate verifying documentation, and must reflect the net effect of all increases and decreases resulting from the application of the old retention rate.

* * * * *

PART 277—PAYMENTS OF CERTAIN ADMINISTRATIVE COSTS OF STATE AGENCIES

4. The authority citation for part 277 continues to read as follows:

Authority: 7 U.S.C. 2011–2031.

4A. In § 277.4:

a. Paragraph (b)(1) is revised; and

b. New paragraphs (b)(11) and (b)(12) are added.

The revision and additions read as follows:

§ 277.4 Funding.

* * * * *

(b) *Federal Reimbursement Rate.*

* * *

(1) A 75 percent Federal reimbursement is payable for Food Stamp Program allowable costs incurred for State fraud investigations, prosecutions, and fraud hearing upon presentation and approval of a State Plan addendum as outlined in § 277.15.

* * * * *

(11) A 63 percent Federal reimbursement is payable for Food Stamp Program allowable costs incurred for State agency planning, designing, developing, or installing of computerized systems as described in § 277.18 and approved for enhanced funding by FNS after September 30, 1991.

(12) A 75 percent Federal reimbursement is payable for Food Stamp Program allowable costs incurred for State agency planning, designing, developing, or installing of computerized systems as described in § 277.18 and approved for enhanced funding by FNS before November 28, 1990. Those proposals, including modifications, which received approval at the 75 percent level during the period from November 28, 1990 through September 30, 1991, shall be reimbursed at the 75 percent rate for costs incurred through September 30, 1991, and at the 63 percent rate for costs incurred thereafter. All modifications approved after September 30, 1991 shall be reimbursed at 63 percent regardless of when the original system was approved. For purposes of this paragraph, no system shall be funded at 75 percent unless all required paperwork for enhanced funding is (or was) approved by FNS prior to the appropriate date contained in this paragraph. The required paperwork is described in § 277.18.

* * * * *

§ 277.18 [Amended]

5. In section 277.18:

a. In paragraph (b) the definitions of "Enhanced funding or enhanced FFP rate" and "Regular funding or regular FFP rate" are amended by removing "75 percent" and adding "63 percent" in their place. Further the reference to § 277.4(b)(1)(ii) in both of these definitions is removed and a reference to §§ 277.4(b)(11) and 277.4(b)(12) is added in its place;

b. The introductory text of paragraph (c)(1), paragraphs (c)(1)(ii) and (d)(1)(ii), the heading of paragraph (g), paragraph (g)(1), the introductory text of paragraphs (g)(2) and (g)(5), paragraphs (g)(6) and (g)(7), the introductory text of paragraph (g)(8), and paragraphs (g)(8)(iv) and (p)(5) are amended by removing all references to "75 percent" and adding the words "63 percent" in their place;

c. Paragraph (g)(1) is further amended by adding the words "one time" after the word "reimbursement"; and

d. Paragraph (g)(2)(ii) is amended by removing the references to (g)(2)(vi), (g)(2)(vii), and (g)(3)(ix), adding in their place references to (b)(2)(vi), (b)(2)(vii), and (b)(3)(ix).

6. In part 277, appendix A, Standards for Selected Items of Cost, Section B, paragraph B. (1) is amended by removing the words "75 percent" and adding the words "63 percent" in their place.

Dated: August 29, 1991.

Betty Jo Nelsen,

Administrator.

[FR Doc. 91–21526 Filed 9–9–91; 8:45 am]

BILLING CODE 3410–30–M

Rural Electrification Administration

7 CFR Part 1755

RIN 0572–AA55

REA Specification for Filled Telephone Cables

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to amend 7 CFR 1755.97, Incorporation by Reference of Telephone Standards and Specifications by rescinding REA Bulletin 345–67, REA Specification for Filled Telephone Cables, PE–39 and replacing it with Bulletin 1753F–205(PE–39). The new bulletin will update the end product performance requirements of filled cables brought about through technological advancements made during the last two years.

DATES: Comments must be received by REA or postmarked no later than October 10, 1991.

ADDRESSES: Comments should be mailed to Donald M. Van Bellinger, Director, Telecommunications Staff Division, Rural Electrification Administration, room 2835, South Building, U.S. Department of Agriculture, Washington, DC 20250–1500. REA requests an original and three copies of all comments (7 CFR 1700). Comments received may be inspected Monday through Friday in room 2835 between 8 a.m. and 4 p.m. (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Garnett G. Adams, Chief, Outside Plant Branch, Telecommunications Staff Division, Rural Electrification Administration, room 2832, South Building, U.S. Department of Agriculture, Washington, DC 20250–1500, telephone number (202) 382–8667.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule has been issued in conformance with Executive Order 12291 and Departmental Regulation 1512–1. This action has been classified as "nonmajor" because it does not meet the criteria for a major regulation as established by the Order.

Regulatory Flexibility Act Certification

Gary C. Byne, Administrator, REA, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

because most borrowers of REA loan funds do not meet the requirements for small entities. Further, the regulations are applied equally to all borrowers.

Information Collection and Recordkeeping Requirements

In compliance with the Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implements the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and section 3504 of that Act, information collection and recordkeeping requirements contained in this proposed rule have been approved by OMB under control number 0572-0077 which expires on 1/31/94. Comments concerning these requirements should be directed to the Office of Information and Regulator Affairs of OMB, Attention: Desk Officer for USDA, room 3201, NEOB, Washington, DC 20503.

National Environmental Policy Act Certification

Gary C. Bryne, Administrator, REA, has determined that this proposed rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

Catalog of Federal Domestic Assistance

The program described by this proposed rule is listed in the Catalog of Federal Domestic Assistance programs under No. 10.851, Rural Telephone Loans and Loan Guarantees; and No. 10.852, Rural Telephone Bank Loans. This catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, DC 20402.

Executive Order 12372

This proposed rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation. A Notice of Final Rule titled Department Programs and Activities Excluded from Executive Order 12372 (50 FR 47034) exempts REA and RTB loans and loan guarantees, and RTB bank loans, to governmental and nongovernmental entities from coverage under this Order.

Background

REA has issued a series of publications titled "Bulletin" which serve to implement the policy, procedures, and requirements for administering its loans and loan guarantee programs and the security instruments which provide for and secure REA financing. In the bulletin series, REA issues standards and specifications for the construction of telephone facilities financed with REA loan funds. REA is proposing to rescind Bulletin 345-67, "REA Specification for Filled Telephone Cables, PE-39," and replace it with Bulletin 1753F-205(PE-39). Specification No. PE-39 would become part of REA Bulletin No. 1753F-205(PE-39) and no longer be shown in the "Specification No." column of the table in § 1755.97.

The American National Standard Institute (ANSI) and the Insulated Cable Engineers Association (ICEA) are scientific and technical organizations formed for the development of standards on characteristics and performance of materials, products, systems, and services. An ANSI/ICEA standard represents a common viewpoint of those parties concerned with its provisions; namely producers, users and general interest groups. The standard is intended to aid industry, government agencies, and the general public.

It is REA policy to use the standards, rules, and regulations of such engineering and standards groups as ANSI, the ICEA, the American Society for Testing and Materials (ASTM), and the various national engineering societies, and such references as the National Electrical Safety Code (NESC) and the National Electrical Code (NEC), to the greatest extend practicable as determined by REA. REA is also guided by OMB Circular No. A-119, Federal Participation in the Development and Use of Voluntary Standards in its activities. In the absence of national standards, or where REA determines that existing national standards are not satisfactory, standards will be prepared for material and equipment as necessary.

REA has determined that by revising the current specification, borrowers will be provided with the opportunity to increase subscriber services through enhanced cable designs brought about through technological advancements made during the last two years in an economical and efficient manner. This revision will also allow cable manufacturers to reduce their production costs by providing one uniform cable design to both REA and non-REA telephone companies which presently is not being done today. This reduction in manufacturing costs will result in lower cable costs for borrowers without any degradation in cable performance.

List of Subjects in 7 CFR Part 1755

Loan programs-communications, Reporting and recordkeeping requirements, Rural areas, Telephone.

For reasons set out in the preamble, REA proposes to amend 7 CFR part 1755 as follows:

PART 1755-TELECOMMUNICATIONS STANDARDS AND SPECIFICATIONS FOR MATERIALS, EQUIPMENT AND CONSTRUCTION

1. The authority citation for part 1755 is revised to read as follows:

Authority: 7 U.S.C. 901 *et seq.*, 1921 *et seq.*

2. Section 1755.97 is amended by removing the entry REA Bulletin No. 345-67 and adding new entry REA Bulletin No. 1753F-205 (PE-39)

§ 1755.97 Incorporation by reference of telephone standards and specifications.

* * * * *

REA Bulletin No.	Specification No.	Date last issued	Title of standard or specification
•	•	•	•
1753F-205 (PE-39).	(will be left blank).	(Month and year of Final Rule will be inserted).	REA specification for filled telephone cables.

Dated: August 9, 1991.

Gary C. Byrne,

Administrator.

[FR Doc. 91-21590 Filed 9-9-91; 8:45 am]

BILLING CODE 3410-15-M

FEDERAL TRADE COMMISSION

16 CFR Part 435

Mail Order Merchandise Trade Regulation Rule

AGENCY: Federal Trade Commission.

ACTION: Notice of publication of Presiding Officer's Recommended Decision and Final Staff Report, and invitation for comment on the two reports.

SUMMARY: The Federal Trade Commission's Presiding Officer has released to the public the Presiding Officer's Report in the rulemaking proceeding to amend the Mail Order Merchandise Trade Regulation Rule. The report contains the recommended decision of the Presiding Officer based upon his findings and conclusions as to

all relevant and material evidence, taking into account the Final Staff Report which contains the staff's recommendations to the Commission. The final Staff Report has also been released. Interested persons and the public are invited to submit written comments on both reports. The Commission has not reviewed or adopted either report. The Commission's final determination in the matter will be based upon the entire rulemaking record, including comments received in response to this notice.

DATES: Written comments will be received until October 25, 1991.

ADDRESSES: Copies of the Presiding Officer's Report and the Final Staff Report are available at the Public Reference Branch, room 130, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580. Telephone: 202–326–2222.

Written comments should be sent to Henry B. Cabell, Presiding Officer, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Henry B. Cabell (Presiding Officer) 202–326–3642.

SUPPLEMENTARY INFORMATION: In a Notice of Proposed Rulemaking published in 54 FR 49060, November 28, 1989, the Commission announced the commencement of a proceeding to amend the trade regulation rule on Mail Order Merchandise to include merchandise ordered by telephone and to amend the definition of "properly completed order" for credit sales. It invited written comment on the proposed amendments. Following receipt of those comments a public hearing was held. The Final Staff Report and the Presiding Officer's Report in the proceeding recommending amendments of the rule have not been placed on the rulemaking record [Public Record R–011006]. During the post record comment period which will end on October 25, 1991, the public, including persons interested in the proceeding, is invited to comment on these reports. Such comments should be confined to information already in the rulemaking record, and submitted on 8½ by 11-inch paper and those in excess of four pages should be accompanied by four copies.

Post record comments may include requests for review by the Commission of any rulings or other determinations made by the Presiding Officer. They may also include a request for an opportunity to make an oral presentation to the Commission pursuant to Commission rule 1.13(i) (16 CFR 1.13(i)). The inclusion in post record comments of further evidence or factual material not presently in the rulemaking record may result in rejection of the comment as a whole.

The Commission has not yet reviewed the rulemaking record in this proceeding or determined whether or not to amend the rule. Any decision by the Commission in this matter will be based solely upon the contents of the rulemaking record, including the material submitted in response to this notice.

Publication of the Presiding Officer's Report and the Final Staff Report should not be interpreted as representing the views of the Commission or of any individual Commissioner.

List of Subjects in 16 CFR Part 435

Mail order merchandise, Telephone order merchandise, Trade practices.

Henry B. Cabell,

Presiding Officer.

[FR Doc. 91-21641 Filed 9-9-91 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 177

Proposed Interpretive Rule Concerning the Classification of Baseball-Style Caps With Braid

AGENCY: Customs Service, Department of the Treasury.

ACTION: Proposed interpretive rule; solicitation of comments.

SUMMARY: In August 1990 Customs ruled that a baseball-style cap with a noncontrasting braid measuring 3/16-inch wide between the peak and the crown was classifiable, in application of the de minimis rule, as "not in part of braid" under subheading 6505.90.80 of the Harmonized Tariff Schedule of the United States (HTSUS). In January 1991 Customs modified this ruling and classified this cap as "wholly or in part of braid" under subheading 6505.90.70, HTSUS. We also stated in the January 1991 ruling that we had not determined at what width, if any, braid on a cap would be considered de minimis, making the cap classifiable as not in part of braid, and we would be soliciting comments from the public on this issue.

DATES: Comments must be received on or before November 12, 1991.

ADDRESSES: Comments (preferably in triplicate) may be submitted to and inspected at the Regulations and Disclosure Law Branch, U.S. Customs Service, 1301 Constitution Ave., NW. room 2119, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Craig Clark, Commercial Rulings Division, U.S. Customs Service, (202) 566–8181.

SUPPLEMENTARY INFORMATION:

Background

Heading 6505, HTSUS, provides for hats and other headgear, knitted or crocheted, or made up from lace, felt or other textile fabric, in the piece (but not in strips), whether or not lined or trimmed. Two subheadings within this heading provide for articles wholly or in part of braid. These are 6505.90.50, HTSUS, which provides for articles of man-made fibers, knitted or crocheted or made up from knitted or crocheted fabric, and 6505.90.70, HTSUS, which provides for articles of man-made fibers, other.

The term "in part of" is defined for the purposes of the tariff schedule in General Note 7, HTSUS. General Note 7(e)(ii), HTSUS, provides that "in part of" or "containing" means that the goods contain a significant quantity of the named material. General Note 7, HTSUS, also states that with regard to the application of the quantitative concepts specified above, it is intended that the de minimis rule apply.

In application of the de minimis rule to the term "in part of braid," Customs has determined that if the quantity of braid in an article serves a useful purpose or affects the nature of the article or increases the salability of the article, it would be considered in part of braid for classification purposes. In Headquarters Ruling Letter (HRL) 087060, dated August 17, 1990, we ruled that a baseball-style cap with a noncontrasting braid 3/16-inch wide between the peak and the crown was classifiable as not in part of braid in application of the de minimis rule. A request for reconsideration of this ruling was submitted. Upon reconsideration we ruled in HRL 088438, dated January 14, 1991, that this cap was classifiable as in part of braid in application of the de minimis rule. Customs also stated that classification under the subheading "wholly or in part of braid" applied to the cap at issue, which contained a braid 3/16-inch wide. We had not determined at what width, if any, a braid on a cap would be considered de minimis, making the cap classifiable as not in part of braid.

We are of the opinion that at some point, braid on a cap would not be considered a significant quantity, in application of General Note 7, HTSUS.

We are now soliciting comments from the public on what it considers de minimis for braid on a cap, making it classifiable as not in part of braid.

Comments

Before making a determination on this matter, Customs invites written comments from interested parties on this issue. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), §1.4, Treasury Department of Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9 a.m. and 4:30 p.m. at the Regulations and Disclosure Law Branch, Headquarters, U.S. Customs Service, 1301 Constitution Ave., NW., room 2119, Washington, DC 20229.

Carol Hallett,

Commissioner of Customs.

Approved: August 22, 1991.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 91-21578 Filed 9-9-91; 8:45 am]

BILLING CODE 4820-02-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 726]

RIN 1512-AA07

Escondido Valley Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms proposes to establish a viticultural area located in Pecos County, Texas to be known by the appellation "Escondido Valley." The proposal is the result of a petition filed by Mr. Leonard Garcia of Cordier Estates, Inc. ATF believes that the establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers better identify the wines they purchase. The establishment of viticultural areas also allows wineries to specify further the origin of wines they offer for sale to the public.

DATES: Written comments must be received by October 25, 1991.

ADDRESSES: Send written comments to: Chief, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091-0221 REF: Notice No. 726.

Copies of the petition, the proposed regulations, the appropriate maps, and written comments will be available for public inspection during normal business hours at: ATF Public Reading Room, room 6480, 650 Massachusetts Avenue, NW., Washington, DC 20226.

FOR FURTHER INFORMATION CONTACT: Marjorie Dundas, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 566-7626.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR, part 4. These regulations allow the establishment of definite American viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin in the labeling and advertising of wine. On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new part 9 to 27 CFR, providing for the listing of approved American viticultural areas.

Section 4.25a(e)(1), title 27 CFR defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been delineated in subpart C of part 9. Section 4.25a(e)(2), title 27 CFR outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy or copies of the appropriate U.S.G.S. map(s) with the proposed boundaries prominently marked.

Petition

ATF received a petition proposing a viticultural area in Pecos County, Texas to be known as "Escondido Valley." The proposed viticultural area has a land area of approximately 50 square miles. The petitioner, Leonard Garcia, Vice President of Cordier Estates, Inc., states that his winery is the only commercial winery in the proposed area. They have 250 acres of vineyards.

Evidence of Name

The petitioner presented a series of old maps and accounts of early travelers to Pecos County which referred to the creek which runs through the area as Escondido Creek, and to the three springs which feed the creek as Upper, Middle and Lower Escondido Springs. The petitioner also stated that "many members of the old settler families told me that the Indians called the area . . . 'Valle Escondido' (Hidden Valley—in Spanish)." The petitioner submitted an extract from The Springs of Texas, by Gunnar Brune, which quotes a description of the proposed area by a traveler in 1849: ". . . we came upon a clear and beautiful spring gushing from the limestone bluff on the N side of the valley. This is the Escondido." In the late 19th century, the name Tunis, or Tunas, began to be used for the creek and springs, and these features are presently known as Tunas Creek and Tunas Springs. However, the petitioner pointed out the name East Escondido Spring still appears on the 1973 revision of the United States Geological Survey map used to delineate the boundaries of the proposed area. The petitioner also presented a letter from the Curator of the Fort Stockton Historical Society, who said "Escondido is the historical name for the springs and creek as well as the draw or valley now known as Tunas. In essence Tunas and Escondido are synonymous."

Proposed Boundary

The proposed "Escondido Valley" viticultural area is bounded on the north and south by ranges of mesas. The boundary on the eastern end of the proposed viticultural area is a trail which crosses the draw, or valley. Northeast of the trail, the valley floor begins to drop in elevation, and to the east and southeast of the trail are mesa ranges of higher elevation. The western boundary is represented by a line drawn between the western ends of the north and south boundaries just before the distance between mesas increases and the ground begins to rise.

Distinguishing Features

The petitioner provided the following evidence relating to features which he contends distinguish the proposed viticultural area from the surrounding areas:

Topography

According to the petitioner, the valley floor which is the site of the proposed viticultural area is 2600 to 2700 feet above sea level. The basis of the mesa ranges which are used as the north and south boundaries of the proposed area are approximately 2900 feet in elevation, and the mesa ranges rise to an elevation of 3200 to over 3400 feet. East of the proposed area, the valley floor drops to 2200 feet, and west of the western boundary of the area, the land rises to 3100 feet or more. Until the 1960s, the area had three natural springs.

Soils

The petitioner submitted a U.S. Department of Agriculture General Soil Map of Pecos County, Texas, showing the predominant soils in the proposed area are of the Reagan-Hodgkins-Iraan association. These soils extend beyond the boundary to the east and west, but the map shows that the predominant soils on the higher ground to the north and south belong to the Ector-Sanderson-Rock outcrop group.

Climate

The petitioner notes that bud break occurs in the second or third week of March in the proposed area, and the harvest begins in the third or fourth week of August. The petitioner submitted temperature and rainfall data from the National Oceanic and Atmospheric Administration's Climatological Data Annual Summary, supplemented by measurements taken in his vineyard during the last two years. There are no official weather stations within the proposed area; the closest is in Bakersfield, Texas, six miles to the east. The petitioner contrasted the Bakersfield readings with those from Fort Stockton, Texas, 19 miles to the west of the proposed area, and Ozona, Texas, 81 miles to the east of the proposed area. According to this summary, the average annual temperature from 1979 to 1989 at Bakersfield was 66.6 degrees, 75.0 degrees during the growing season. During the same period, the annual average for Fort Stockton was 64.4 degrees, 72.5 degrees during the growing season, and in Ozona the average was 63.6 for the year and 72.0 for the growing season. The summary also showed the average annual rainfall from 1979 to 1989 was 14.6 inches at Bakersfield, of which 7.2 inches fell during the growing season. The average for this same period at Fort Stockton was 15 inches for the year and 7.07 inches for the growing season. In Ozona, the average was 18.1 inches for the year, and 9.7 inches for the growing season. The petitioner's own record of temperature and rainfall during the last two years showed slightly warmer temperatures and less rainfall than at Bakersfield. The vineyards are irrigated from wells, using the pressurized drip system. The petition included two letters from Terry Wigham of the U.S. Department of Agriculture's Soil Conservation Service which describe the well water within the proposed viticultural area as lower in total dissolved solids, and therefore higher in quality, than well water elsewhere within Pecos County.

Executive Order 12291

It has been determined that this document is not a major regulation as defined in E.O. 12291 because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required because the proposal, if promulgated as a final rule, is not expected (1) to have significant secondary or incidental effects on a substantial number of small entities, or (2) to impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Public Law 96-511, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this notice because no requirement to collect information is proposed.

Public Participation

ATF requests comments from all interested persons concerning this proposed viticultural area. Since some of the evidence concerning the name "Escondido" is historical, and some of the evidence refers to the area as a draw, rather than a valley, ATF is particularly interested in receiving comments concerning whether the name "Escondido Valley" is locally or nationally known as referring to the proposed area. We also request comments on whether there may be consumer confusion since there is also an Escondido, California. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of the person submitting a comment is not exempt from disclosure. Any interested person who desires an opportunity to comment orally at a public hearing on the proposed regulations should submit his or her request, in writing, to the Director within the 45-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this document is Marjorie Dundas, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Issuance

Title 27, Code of Federal Regulations, part 9, American Viticultural Areas is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Par. 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. The Table of Sections in subpart C is amended to add the title of § 9.141 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.141 Escondido Valley.

Par. 3. Subpart C is amended by adding § 9.141 to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.141 Escondido Valley.

(a) *Name.* The name of the viticultural area described in this section is "Escondido Valley."

(b) *Approved map.* The appropriate map for determining the boundaries of the "Escondido Valley" viticultural area is 1 U.S.G.S. (scale 1:250,000) map. It is titled Fort Stockton, Texas, 1954 (revised 1973).

(c) *Boundary.* The Escondido Valley viticultural area is located in Pecos County, Texas. The boundary is as follows:

(1) The beginning point is the intersection of Interstate Route 10 (I–10) and an intermittent stream approximately 18 miles east of the city of Fort Stockton, (standard reference GE3317 on the Fort Stockton, Texas, U.S.G.S. map);

(2) From the beginning point, the boundary follows I–10 in an easterly direction approximately 9 miles until a southbound trail diverges from I–10 just past the point where it intersects horizontal grid line 2 of square GE on the Fort Stockton, Texas, U.S.G.S. map;

(3) The boundary then follows the trail in a generally southeasterly direction about 5 miles until it intersects the 3000 foot contour line;

(4) The boundary follows the 3000 foot contour line in a generally westerly direction approximately 17 miles;

(5) The boundary continues to follow the 3000 foot contour line as it turns sharply northwest, but diverges from the contour line when the contour line turns south again;

(6) From the point where it diverges from the contour line, the boundary follows a straight north-northwesterly line as it returns to the beginning point at I–10.

Approved: August 22, 1991.

Stephen E. Higgins,

Director.

[FR Doc. 91–21683 Filed 9–9–91; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE

Office of the Inspector General

32 CFR Part 312

[Office of the Inspector General Policy and Procedures Manual, Chapter 33]

Office of the Inspector General (OIG) Privacy Program

AGENCY: Office of the Inspector General, Department of Defense.

ACTION: Proposed rule.

SUMMARY: The Office of the Inspector General, Department of Defense is proposing to publish its Privacy Program procedural and exemption rules in accordance with the Privacy Act of 1974, as amended, (5 U.S.C. 552a). Also, the Defense Criminal Investigative Service (DCIS) and its Privacy Act system of records are now under the cognizance of the Department of Defense Inspector General

DATES: Comments regarding this proposed rule must be received on or before October 10, 1991, to be considered by the agency.

ADDRESSES: Any comments regarding this proposed rule should be directed to Ms. Nancy Reed, Office of the Assistant Inspector General for Investigations, ATTN: FOIA/PA Division, 400 Army Navy Drive, Arlington, VA 22202–2884. Telephone (703) 697–6035.

SUPPLEMENTARY INFORMATION: In 1984, the Department of Defense Inspector General established its own Privacy Act Office. Systems of records formerly under the cognizance of DCIS are now under the cognizance of the OIG, and are being incorporated into the OIG procedural and exemption rules (formerly DCIS) at 32 CFR part 312.

List of Subjects in 32 CFR Parts 293 and 312

Privacy.

Accordingly, for reasons set forth in the preamble, 32 CFR chapter I is proposed to be amended by removing part 293 and adding part 312 as follows:

PART 293—[REMOVED]

PART 312—OFFICE OF THE INSPECTOR GENERAL (OIG) PRIVACY PROGRAM

Sec.

Authority: Pub. L. 93–579, 88 Stat 1896 (5 U.S.C. 552a).

§ 312.1 Purpose.

Pursuant to the requirements of the Privacy Act of 1974 (5 U.S.C. 552a) and 32 CFR part 286a–DoD Privacy Program, the following rules of procedures are established with respect to access and amendment of records maintained by the Office of the Inspector General (OIG) on individual subjects of these records.

§ 312.2 Definitions.

(a) All terms used in this part which are defined in 5 U.S.C. 552a shall have the same meaning herein.

(b) As used in this part, the term *agency* means the Office of the Inspector General (OIG), Department of Defense.

§ 312.3 Procedure for requesting information.

Individuals should submit inquiries regarding all OIG files by mail to the Assistant Inspector General for Investigations, ATTN: FOIA/PA Division, 400 Army Navy Drive, Arlington, VA 22202–2884. All personal visits will require some form of common identification.

§ 312.4 Requirements for identification.

Only upon proper identification will any individual be granted access to records which pertain to him/her. Identification is required both for accurate record identification and to avoid disclosing records to unauthorized individuals. Requesters must provide their full name and as much information as possible in order that a proper search for records can be accomplished. Requests made by mail should be accompanied by a notarized signature. Inclusion of a telephone number for the requester is recommended to expedite certain matters. Requesters applying in person must provide an identification with photograph, such as a driver's license, military identification card, building pass, etc.

§ 312.5 Access by subject individuals.

(a) No individual will be allowed access to any information compiled or maintained in reasonable anticipation of civil or criminal actions or proceedings or otherwise exempt under § 312.12. Requests for pending investigations will

be denied and the requester instructed to forward another request giving adequate time for the investigation to be completed. Requesters shall be provided the telephone number so they can call and check on the status in order to know when to resubmit the request.

(b) Any individual may authorize OIG to provide a copy of his/her records to a third party. This authorization must be in writing and should be provided OIG with the initial request along with a notarized signature.

§ 312.6 Fees.

Requesters will be charged only for the reproduction of requested documents and special postal methods, such as express mail, if applicable. There will be no charge for the first copy of a record provided to any individual. Thereafter, fees will be computed as set forth in appropriate DoD Directives and Regulations.

§ 312.7 Request for correction or amendment.

(a) Requests to correct or amend a file shall be addressed to the system manager in which the file is located. The request must reasonably describe the record to be amended, the items to be changed as specifically as possible, the type of amendment (e.g., deletion, correction, amendment), and the reason for amendment. Reasons should address at least one of the following categories: Accuracy, relevance, timeliness, completeness, fairness. The request should also include appropriate evidence which provide a basis for evaluating the request. Normally all documents submitted, to include court orders, should be certified. Amendments under this part are limited to correcting factual matters and not matters of official judgement or opinions, such as performance ratings, promotion potential, and job performance appraisals.

(b) Requirements of identification as outlined in § 312.4 apply to requests to correct or amend a file.

(c) Incomplete requests shall not be honored, but the requester shall be contacted for the additional information needed to process the request.

(d) The amendment process is not intended to permit the alteration of evidence presented in the course of judicial or quasi-judicial proceedings. Any amendments or changes to these records normally are made through the specific procedures established for the amendment of such records.

(e) Nothing in the amendment process is intended or designed to permit a collateral attack upon what has already been the subject of a judicial or quasi-judicial determination. However, while the individual may not attack the accuracy of the judicial or quasi-judicial determination, he or she may challenge the accuracy of the recording of that action.

§ 312.8 OIG review of request for amendment.

(a) A written acknowledgement of the receipt of a request for amendment of a record will be provided to the requester within 10 working days, unless final action regarding approval or denial will constitute acknowledgment.

(b) Where there is a determination to grant all or a portion of a request to amend a record, the record shall be promptly amended and the requesting individual notified. Individuals, agencies or DoD components shown by disclosure accounting records to have received copies of the record, or to whom disclosure has been made, will be notified of the amendment by the responsible OIG official.

(c) Where there is a determination to deny all or a portion of a request to amend a record, OIG will promptly advise the requesting individual of the specifics of the refusal and the reasons; and inform the individual that he/she may request a review of the denial(s) from the OIG designated official.

§ 312.9 Appeal of initial amendment decision.

(a) All appeals of an initial amendment decision should be addressed to the Assistant Inspector General for Investigations, ATTN: FOIA/PA Division, 400 Army Navy Drive, Arlington, VA 22202-2884. The appeal should be concise and should specify the reasons the requester believes that the initial amendment action by the OIG was not satisfactory. Upon receipt of the appeal, the designated official will review the request and make a determination to approve or deny the appeal.

(b) If the OIG designated official decides to amend the record, the requester and all previous recipients of the disputed information will be notified of the amendment. If the appeal is denied, the designated official will notify the requester of the reason of the denial, of the requester's right to file a statement of dispute disagreeing with the denial, that such statement of dispute will be retained in the file, that the statement will be provided to all future users of the file, and that the requester may file suit in a federal district court to contest the OIG decision not to amend the record.

(c) The OIG designated official will respond to all appeals within 30 working days or will notify the requester of an estimated date of completion if the 30 day limit cannot be met.

§ 312.10 Disclosure of OIG records to other than subject.

No record containing personally identifiable information within a OIG system of records shall be disclosed by any means to any person or agency outside the Department of Defense, except with the written consent of the individual subject of the record or as provided for in the Act and DoD 5400.11-R (32 CFR part 286a).

§ 312.11 Penalties.

(a) An individual may bring a civil action against the OIG to correct or amend the record, or where there is a refusal to comply with an individual request or failure to maintain any record with accuracy, relevance, timeliness and completeness, so as to guarantee fairness, or failure to comply with any other provision of the Privacy Act. The court may order correction or amendment of records. The court may enjoin the OIG from withholding the records and order the production of the record.

(b) Where it is determined that the action was willful or intentional with respect to 5 U.S.C. 552a(g)(1)(C) or (D), the United States shall be liable for the actual damages sustained, but in no case less than the sum of $1,000 and the costs of the action with attorney fees.

(c) Criminal penalties may be imposed against an officer or employee of the OIG who discloses material, which he/she knows is prohibited from disclosure, or who willfully maintains a system of records without compliance with the notice requirements.

(d) Criminal penalties may be imposed against any person who knowingly and willfully requests or obtains any record concerning another individual from an agency under false pretenses.

(e) All of these offenses are misdemeanors with a fine not to exceed $5,000.

§ 312.12 Exemptions.

(a) *Exemption for classified records.* Any record in a system of records maintained by the Office of the Inspector General which falls within the provisions of 5 U.S.C. 552a(k)(1) may be exempt from the following subsections of 5 U.S.C. 552a: (c)(3), (d), (e)(1), (e)(4)(G-I) and (f) to the extent that a record system contains any record properly classified under Executive Order 12356 and that the record is required to be kept classified in the

interest of national defense or foreign policy. This specific exemption rule, claimed by the Inspector General under authority of 5 U.S.C. 552a(k)(1), is applicable to all systems of records maintained, including those individually designated for an exemption herein as well as those not otherwise specifically designated for an exemption, which may contain isolated items of properly classified information

(b) The Inspector General of the Department of Defense claims an exemption for the following record systems under the provisions of 5 U.S.C. 552a(k)(1)–(7) from certain indicated subsections of the Privacy Act of 1974. The exemptions may be invoked and exercised on a case by case basis by the Deputy Assistant Inspector General for Investigations or the Director, Investigative Support Directorate and Freedom of Information Act/Privacy Act Division Chief which serves as the Systems Program Managers. Exemptions will be exercised only when necessary for a specific, significant and legitimate reason connected with the purpose of the records system.

(c) No personal records releasable under the provisions of The Freedom of Information Act (5 U.S.C. 552) will be withheld from the subject individual based on these exemptions.

(d) *System Identifier:* CIG–04.

(1) *System name:* Case Control System.

(2) *Exemption:* Any portion of this system which falls within the provisions of 5 U.S.C. 552a(j)(2) may be exempt from the following subsections of 5 U.S.C. 552a: (c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(4)(G), (H), (I), (e)(5), (e)(8), (f), and (g).

(3) *Authority:* 5 U.S.C. 552a(j)(2).

(4) *Reasons:* From subsection (c)(3) because the release of accounting of disclosure would inform a subject that he or she is under investigation. This information would provide considerable advantage to the subject in providing him or her with knowledge concerning the nature of the investigation and the coordinated investigative efforts and techniques employed by the cooperating agencies. This would greatly impede OIG's criminal law enforcement.

(5) From subsection (c)(4) and (d), because notification would alert a subject to the fact that an open investigation on that individual is taking place, and might weaken the on-going investigation, reveal investigatory techniques, and place confidential informants in jeopardy.

(6) From subsection (e)(1) because the nature of the criminal and/or civil investigative function creates unique problems in prescribing a specific parameter in a particular case with respect to what information is relevant or necessary. Also, due to OIG's close liaison and working relationships with other Federal, state, local and foreign country law enforcement agencies, information may be received which may relate to a case under the investigative jurisdiction of another agency. The maintenance of this information may be necessary to provide leads for appropriate law enforcement purposes and to establish patterns of activity which may relate to the jurisdiction of other cooperating agencies.

(7) From subsection (e)(2) because collecting information to the fullest extent possible directly from the subject individual may or may not be practical in a criminal and/or civil investigation.

(8) From subsection (e)(2) because supplying an individual with a form containing a Privacy Act Statement would tend to inhibit cooperation by many individuals involved in a criminal and/or civil investigation. The effect would be somewhat adverse to established investigative methods and techniques.

(9) From subsection (e)(4)(G) through (I) because this system of records is exempt from the access provisions of subsection (d).

(10) From subsection (e)(5) because the requirement that records be maintained with attention to accuracy, relevance, timeliness, and completeness would unfairly hamper the investigative process. It is the nature of law enforcement for investigations to uncover the commission of illegal acts at diverse stages. It is frequently impossible to determine initially what information is accurate, relevant, timely, and least of all complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light.

(11) From subsection (e)(8) because the notice requirements of this provision could present a serious impediment to law enforcement by revealing investigative techniques, procedures, and existence of confidential investigations.

(12) From subsection (f) because the agency's rules are inapplicable to those portions of the system that are exempt and would place the burden on the agency of either confirming or denying the existence of a record pertaining to a requesting individual might in itself provide an answer to that individual relating to an on-going investigation. The conduct of a successful investigation leading to the indictment of a criminal offender precludes the applicability of established agency rules relating to verification of record, disclosure of the record to that individual, and record amendment procedures for this record system.

(13) For comparability with the exemption claimed from subsection (f), the civil remedies provisions of subsection (g) must be suspended for this record system. Because of the nature of criminal investigations, standards of accuracy, relevance, timeliness, and completeness cannot apply to this record system. Information gathered in an investigation is often fragmentary and leads relating to an individual in the context of one investigation may instead pertain to a second investigation.

(e) *System Identification:* CIG–06.

(1) *System name:* Investigative Files.

(2) *Exemption:* Any portion of this system which falls within the provisions of 5 U.S.C. 552a(j) (2) may be exempt from the following subsections of 5 U.S.C. 552a: (c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H), (I), (e)(5), (e)(8), (f), and (g).

(3) *Authority:* 5 U.S.C. 552a(j)(2).

(4) *Reasons:* From subsection (c)(3) because the release of accounting of disclosure would inform a subject that he or she is under investigation. This information would provide considerable advantage to the subject in providing him or her with knowledge concerning the nature of the investigation and the coordinated investigative efforts and techniques employed by the cooperating agencies. This would greatly impede OIG's criminal law enforcement.

(5) From subsection (c)(4) and (d), because notification would alert a subject to the fact that an open investigation on that individual is taking place, and might weaken the on-going investigation, reveal investigatory techniques, and place confidential informants in jeopardy.

(6) From subsection (e)(1) because the nature of the criminal and/or civil investigative function creates unique problems in prescribing a specific parameter in a particular case with respect to what information is relevant or necessary. Also, due to OIG's close liaison and working relationships with other Federal, state, local and foreign country law enforcement agencies, information may be received which may relate to a case under the investigative jurisdiction of another agency. The maintenance of this information may be necessary to provide leads for appropriate law enforcement purposes and to establish patterns of activity which may relate to the jurisdiction of other cooperating agencies.

(7) From subsection (e)(2) because collecting information to the fullest extent possible directly from the subject individual may or may not be practical in a criminal and/or civil investigation.

(8) From subsection (e)(3) because supplying an individual with a form containing a Privacy Act Statement would tend to inhibit cooperation by many individuals involved in a criminal and/or civil investigation. The effect would be somewhat adverse to established investigative methods and techniques.

(9) From subsection (e)(4)(G) through (I) because this system of records is exempt form the access provisions of subsection (d).

(10) From subsection (e)(5) because the requirement that records be maintained with attention to accuracy, relevance, timeliness, and completeness would unfairly hamper the investigative process. It is the nature of law enforcement for investigations to uncover the commission of illegal acts at diverse stages. It is frequently impossible to determine initially what information is accurate, relevant, timely, and least of all complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light.

(11) From subsection (e)(8) because the notice requirements of this provision could present a serious impediment to law enforcement by revealing investigative techniques, procedures, and existence of confidential investigations.

(12) From subsection (f) because the agency's rules are inapplicable to those portions of the system that are exempt and would place the burden on the agency of either confirming or denying the existence of a record pertaining to a requesting individual might in itself provide an answer to that individual relating to an on-going investigation. The conduct of a successful investigation leading to the indictment of a criminal offender precludes the applicability of established agency rules relating to verification of record, disclosure of the record to that individual, and record amendment procedures for this record system.

(13) For comparability with the exemption claimed from subsection (f), the civil remedies provisions of subsection (g) must be suspended for this record system. Because of the nature of criminal investigations, standards of accuracy, relevance, timeliness, and completeness cannot apply to this record system. Information gathered in an investigation is often fragmentary and leads relating to an individual in the context of one investigation may instead pertain to a second investigation.

(f) *System Identifier:* CIG–15.

(1) *System name:* Special Inquiries Investigative Case File and Control System.

(2) *Exemption:* Any portions of this system which fall under the provisions of 5 U.S.C. 552a(k)(2) may be exempt from the following subsections of 5 U.S.C. 552a: (c)(3), (d), (e)(1), (e)(4)(G–H), and (f).

(3) *Authority:* 5 U.S.C. 552a(k)(2).

(4) *Reasons:* From subsection (c)(3) because disclosures from this system could interfere with the just, thorough and timely resolution of the compliant or inquiry, and possibly enable individuals to conceal their wrongdoing or mislead the course of the investigation by concealing, destroying or fabricating evidence or documents.

(5) From subsection (d) because disclosures from this system could interfere with the just thorough and timely resolution of the complaint or inquiry, and possibly enable individuals to conceal their wrongdoing or mislead the course of the investigation by concealing, destroying or fabricating evidence or documents. Disclosures could also subject sources and witnesses to harassment or intimidation which jeopardize the safety and well-being of themselves and their families.

(6) From subsection (e)(1) because the nature of the investigation functions creates unique problems in prescribing specific parameters in a particular case as to what information is relevant or necessary. Due to close liaison and working relationships with other Federal, state, local and foreign country law enforcement agencies, information may be received which may relate to a case under the investigative jurisdiction of another government agency. It is necessary to maintain this information in order to provide leads for appropriate law enforcement purposes and to establish patterns of activity which may relate to the jurisdiction of other cooperating agencies.

(7) From subsection (e)(4) (G) through (H) because this system of records is exempt from the access provisions of subsection (d).

(8) From subsection (f) because the agency's rules are inapplicable to those portions of the system that are exempt and would place the burden on the agency of either confirming or denying the existence of a record pertaining to a requesting individual might in itself provide an answer to that individual relating to an on-going investigation. The conduct of a successful investigation leading to the indictment of a criminal offender precludes the applicability of established agency rules relating to verification of record, disclosure of the record to that individual, and record amendment procedures for this record system.

§ 312.13 Ownership of OIG investigative records.

(a) Criminal and or civil investigative reports shall not be retained by DoD recipient organizations. Such reports are the property of OIG and are on loan to the recipient organization for the purpose for which requested or provided. All copies of such reports shall be destroyed within 180 days after the completion of the final action by the requesting organization.

(b) Investigative reports which require longer periods of retention may be retained only with the specific written approval of OIG.

§ 312.14 Referral of records.

An OIG system of records may contain records other DoD Components or Federal agencies originated, and who may have claimed exemptions for them under the Privacy Act of 1974. When any action is initiated on a portion of any several records from another agency which may be exempt, consultation with the originating agency or component will be affected. Documents located within OIG system of records coming under the cognizance of another agency will be referred to that agency for review and direct response to the requester.

Dated: September 5, 1991.

L.M. Bynum,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 91–21632 Filed 9–9–91; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF VETERANS AFFAIRS

Department of Defense

38 CFR Part 21

RIN 2900–AF15

Veterans' Education; Verification of Pursuit and VEAP

AGENCY: Department of Veterans Affairs and Department of Defense.

ACTION: Proposed regulations.

SUMMARY: This proposal would require most students eligible for benefits under VEAP (Post-Vietnam Era Veterans' Educational Assistance Program) to submit a monthly verification of pursuit

in order to receive educational assistance. The intent of the proposal is to prevent overpayments to these students. The proposal also contains a change to the effective date for reductions in educational assistance under VEAP.

DATES: Comments must be received on or before October 10, 1991. Comments will be available for public inspection until October 21, 1991.

ADDRESSES: Send written comments to: Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 170 of the above address between the hours of 8 a.m. to 4:30 p.m., Monday through Friday (except holidays) until October 21, 1991. A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address contained in the Paperwork Reduction section of this preamble.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, (202) 233–2092.

SUPPLEMENTARY INFORMATION: It has been a long-standing requirement of VA (Department of Veterans Affairs) that monthly benefits would not be released to students training under the Montgomery GI Bill—Active Duty, until they submitted a monthly verification that they are continuing to pursue their programs of education. During 1987 through 1989, VA conducted a study to determine whether this monthly self-verification was cost-effective. The study found that not only was it cost-effective for the Montgomery GI Bill—Active Duty, but that it also would be cost-effective in the other educational programs which VA administers. The study discovered that over 50% of the overpayments in a sample of non-Montgomery GI Bill—Active Duty cases would not have occurred if all educational programs had monthly self-verification of pursuit.

Accordingly, VA is proposing to extend monthly self-verification of pursuit to VEAP. At the same time, the requirement that an educational institution verify pursuit at least annually is being eliminated as no longer necessary.

The law requires that, when VA discovers a reduction in training through a monthly self-verification, the department must reduce educational assistance effective the date of reduction in training. This proposal contains a proposed regulatory amendment to implement this provision of law.

The Department of Veterans Affairs and the Department of Defense have determined that these amended regulations do not contain a major rule as that term is defined by Executive Order 12291, entitled Federal Regulation. The regulations will not have a $100 million annual effect on the economy and will not cause a major increase in costs or prices for anyone. They will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Secretary of Veterans Affairs and the Secretary of Defense have certified that these amended regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), the amended regulations, therefore, are exempt form the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made because the regulations affect only individuals. They will have no significant economic impact on small entities, i.e., small businesses, small private and nonprofit organizations, and small governmental jurisdictions.

The Paperwork Reduction Act

The amendment to § 21.5133 would require an increased information collecting burden for individuals. Currently, individuals who are enrolled in courses not leading to a standard college degree and those pursuing apprenticeships and other on-job training certify their continued pursuit to VA monthly. Those enrolled in courses leading to a standard college degree do not. Requiring all to submit a monthly certification will result in a public report burden of 5 minutes per response and a total of an additional 30,878 burden hours during fiscal year 1992. Since VA projects a small but steady decline in those receiving educational assistance under VEAP in subsequent fiscal years, the number of annual hours will decline also during those years.

All individuals receiving benefits under the Montgomery GI Bill—Active Duty must submit this monthly certification. The information collection has been approved under OMB number 2900–0465. As required by section 3504(h) of the Paperwork Reduction Act, VA is submitting to OMB (the Office of Management and Budget) a request that it modify its current approval to include the additional hours required by these amended regulations. Organizations and individuals desiring to submit comments for consideration by OMB should address them to the Office of Information and Regulatory Affairs, OMB room 3002, New Executive Office Building, Washington DC 20503, Attention; Joseph F. Lackey.

The Catalog of Federal Domestic Assistance number for the program affected by this regulation is 64.120.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs-education, Loan programs-education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: June 11, 1991.

Edward J. Derwinski,

Secretary of Veterans Affairs.

Approved: July 15, 1991.

Donald W. Jones,

Lieutenant General, USA, Deputy Assistant Secretary of Defense (Military Manpower & Personnel Policy).

For the reasons set out in the preamble, 38 CFR part 21, is proposed to be amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

1. The authority citation for part 21, subpart G continues to read as follows:

Authority: 38 U.S.C. 210(c).

§ 21.5130 [Removed]

1A. In § 21.5130, paragraph (e) is removed and reserved.

2. Section 21.5131 revised to read as follows:

§ 21.5131 Educational assistance allowance.

VA will pay educational assistance allowance at the rate specified in §§ 21.5136 and 21.5138 of this part while the individual is pursuing either an approved program of education or a refresher or deficiency course or other preparatory or special education or training which is necessary to enable the individual to pursue an approved program of education. VA will make no payment for pursuit of any course which either is not part of the veteran's program of education, or is not a refresher, deficiency or other preparatory or special education or training course which is necessary to enable the individual to pursue an approved program of education. VA

may withhold a payment until it receives verification or certification of the individual's continued enrollment and adjusts the individual's account. See § 21.5133.

(Authority: 38 U.S.C. 1641; Pub. L. 94-502, Pub. L. 99-576, Pub. L. 101-237)

3. Section 21.5133 is added to read as follows:

§ 21.5133 Certifications and release of payments.

An individual must be pursuing a program of education in order to receive payments. To ensure that this is the case, the provisions of this paragraph must be met.

(a) *General.* VA will pay educational assistance to a veteran or servicemember (other than one who qualifies for an advance payment, or one pursuing a program of apprenticeship, other on-job training, or a correspondence course) only after—

(1) The educational institution has certified his or her enrollment as provided in § 21.5200(d) of this part; and

(2) VA has received from the individual a verification of the enrollment. Generally, this verification will be required monthly, resulting in monthly payments.

(b) *Apprenticeship and other on-job training.* VA will pay educational assistance to a veteran pursuing a program of apprenticeship or other on-job training only after—

(1) The training establishment has certified his or her enrollment in the training program as provided in § 21.5200(d); and

(2) VA has received from the veteran and the training establishment a certification of hours worked. Generally, this certification will be required monthly, resulting in monthly payments.

(c) *Correspondence training.* VA will pay educational assistance to a veteran or servicemember who is pursuing a correspondence course or the correspondence portion of a combined correspondence-residence course only after—

(1) The educational institution has certified his or her enrollment;

(2) VA has received from the veteran or servicemember a certification as to the number of lessons completed and serviced by the educational institution; and

(3) VA has received from the educational institution a certification or an endorsement on the veteran's or servicemember's certificate, as to the number of lessons completed by the veteran or servicemember and serviced by the educational institution. Generally, this certification will be required quarterly, resulting in quarterly payments.

(Authority: 38 U.S.C. 1780(g))

4. In § 21.5200 paragraph (e) and its authority citation are revised to read as follows.

§ 21.5200 Schools.

* * * * *

(e) Section 21.4204 (except paragraphs (a) and (e))—Periodic certifications.

(Authority: 38 U.S.C. 1641, 1784)

* * * * *

[FR Doc. 91-21482 Filed 9-9-91; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-3993-5]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete Johns' Sludge Pond from the National Priorities List: Request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region VII announces its intent to delete the Johns' Sludge Pond site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended. This action, to delete the site from the NPL, is proposed because Superfund remedial activities have been completed by a potentially responsible party.

DATES: Comments concerning this action may be submitted on or before October 10, 1991.

ADDRESSES: Comments to be considered by EPA in making this decision should be mailed to:

David V. Crawford, Remedial Project Manager, Waste Management Division/Superfund Branch, U.S. Environmental Protection Agency, Region VII; 726 Minnesota Avenue; Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Dave Crawford, Remedial Project Manager, Waste Management Division/Superfund Branch, U.S. Environmental Protection Agency, Region VII; 726 Minnesota Avenue; Kansas City, Kansas 66101; Telephone: (913) 551-7702.

SUPPLEMENTARY INFORMATION: Comprehensive information on this site is available for public review in the Docket EPA Region VII has prepared, which contains the documents and information EPA reviewed in the decision to delete this site from the NPL. The Docket is available for public review during normal business hours at the EPA Region VII Docket Room at the above address and at City of Wichita Department of Public Works at City Hall, 8th floor, 455 North Main Street in Wichita, Kansas.

Table of contents

Section I is an introduction providing background information about this site. Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses the procedures for deleting sites from the NPL. Section IV discusses how the site meets the deletion criteria. Section V lists sources and references.

I. Introduction

The Environmental Protection Agency (EPA) Region VII announces its intent to delete the Johns' Sludge Pond site in Wichita, Kansas, from the National Priorities List (NPL), which constitutes appendix B of the NCP, and requests comments on this action.

The EPA identifies sites which may present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund) or by responsible parties. Pursuant to the NCP at 40 CFR 300.425(e)(3), any site deleted from the NPL remains eligible for Fund-financed actions, if conditions at the site ever warrant.

The EPA will accept comments concerning the proposal to delete Johns' Sludge Pond from the NPL for thirty (30) calendar days after publication of this notice in the **Federal Register**.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with the NCP at 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA will consider

whether any of the following criteria have been met:

(i) EPA, in consultation with the State, has determined that responsible or other parties have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented and EPA, in consultation with the State, has determined that no further cleanup by responsible parties is appropriate; or

(iii) Based on a remedial investigation, EPA, in consultation with the State, has determined that the release poses no significant threat to public health, welfare or the environment and, therefore, remedial measures are not required.

In addition to the above, for all remedial actions which result in hazardous substances, pollutants or contaminants remaining at the site above levels that allow for unlimited use and unrestricted exposure, it is EPA's policy that sites should generally not be deleted from the NPL until at least one five-year review has been conducted after the completion of the remedial action. EPA must also assure that five-year reviews will continue to be conducted at the site until no hazardous substances, pollutants or contaminants remain above levels that allow for unlimited use and unrestricted exposure.

III. Deletion Procedures

In the NPL rulemaking published on October 15, 1984 (49 FR 40320), the Agency solicited and received comments on whether the notice of comment procedures followed for adding sites to the NPL should also be used before sites are deleted. The NCP, at 40 CFR 300.425(e) (4) and (5) directs that the same **Federal Register** notice procedures for placing sites on the NCP will be used for deleting sites from the NPL

This **Federal Register** notice is notice of EPA's intent to delete Johns' Sludge Pond from the NPL. EPA will accept comments from the public on this proposal for a period of thirty (30) calendar days beginning today, the date of this notice in the **Federal Register.** EPA will address all significant comments received on this proposal in a Responsiveness Summary, which EPA will place in the Docket on this decision. If, after consideration of these comments, EPA decides to proceed with the deletion of Johns' Sludge Pond from the NPL, EPA will publish another notice in the **Federal Register** recording this decision.

IV. Basis for Intended Site Deletion

Oily, acidic sludge was disposed in an unlined pond known as Johns' Sludge Pond prior to 1970 by the owner-operator of the site. The sludge was generated in the reclamation of waste oil by the Super Refined Oil Company, which ceased to operate after the death of the owner-operator, Ava Johns, in 1970. Johns' Sludge Pond was abandoned at that time. Later, the City of Wichita acquired, through condemnation, a portion of the site in order to improve surface water drainage in the area. In 1983 EPA placed this site on the NPL.

In 1986, the City of Wichita, which owns a portion of the site, completed site cleanup as a removal pursuant to a Consent Order with EPA and under EPA oversight. Acidic, oily sludges were neutralized by adding cement kiln dust. A compacted soil liner was built on the bottom of the existing disposal cell. Treated sludge was redeposited in the lined cell, and the site was then capped with compacted soil and seeded with a stabilizing growth of vegetation. The site was also fenced and posted for no-trespassing. The City of Wichita and Sedgwick County, Kansas, continue to provide long-term maintenance and monitoring for the site.

EPA evaluated these response actions, originally completed as a removal, and in consultation with the State of Kansas has determined that these response actions continue to be protective of public health, welfare and the environment, satisfying Deletion Criteria No. 1.

V. Bibliography

U.S. EPA/Region VII Environmental Services Division Site Investigation Report, 1980.

U.S. EPA Region VII Community Relations Plan, 1986.

U.S. EPA Region VII Waste Management Division Feasibility Study (August 3, 1989 Memorandum, "Evaluation of Alternatives for Final Site Remedy").

U.S. EPA Region VII August 1989 Proposed Plan.

U.S. EPA Region VII September 22, 1989 Record of Decision.

U.S. EPA Region VII January 1991 Superfund Site Closeout Report.

U.S. EPA Region VII July 1991 Five-Year Review.

Dated: August 16, 1991.

Morris Kay,

Regional Administrator, USEPA Region VII.

[FR Doc. 91-21513 Filed 9-9-91; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91-254, RM-7463]

Radio Broadcasting Services; Hayden, ID

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by North Idaho Broadcasting Company proposing the substitution of Channel 233C for Channel 233A at Hayden, Idaho, and modification of the construction permit (BMPH-891004IB) for Station KMWC(FM) to specify operation on the higher powered channel. Channel 233C can be allotted to Hayden in compliance with the Commission's minimum distance separation requirements at the site specified in the construction permit at coordinates 47-43-54 and 116-43-48. Hayden is short-spaced to unoccupied Channel 233A at Moyle, British Columbia, Canada. We have requested Canadian concurrence in the allotment of Channel 233C at Hayden as a specially negotiated allotment, since it is located within 320 kilometers (200 miles) of the U.S.-Canadian border. In accordance with § 1.420(g) of the Commission's Rules, we will not accept competing expressions of interest for the use of Channel 233C at Hayden or require the petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before October 25, 1991, and reply comments on or before September 3, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Harry C. Martin, Troy F. Tanner, Reddy, Begley & Martin, 2033 M Street, NW., suite 500, Washington, DC 20036 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 91-254, adopted August 22, 1991, and released November 12, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC

Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-21561 Filed 9-9-91; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 91-255, RM-7781]

Radio Broadcasting Services; Nowata and Collinsville, OK

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by BSB Communications, permittee of a new FM station on channel 268A at Nowata, Oklahoma, seeking the substitution of Channel 268C3 for Channel 268A and the reallotment of the channel from Nowata to Collinsville, Oklahoma. Channel 268C3 can be allotted to Collinsville in compliance with the Commission's minimum distance separation requirements with a site restriction of 1.8 kilometers (1.1 miles) east to accommodate petitioner's desired transmitter site and to avoid short-spacings to Station KXOJ-FM, Channel 265A, Sapulpa, Oklahoma, and the proposed allotment of Channel 269C3 at Tahlequah, Oklahoma (MM Docket 90-617). The coordinates for Channel 268C3 at Collinsville are North Latitude 36-21-50 and West Longitude 95-49-16. In accordance with § 1.420(g) of the Commission's Rules, we will not accept competing expressions of interest in use of Channel 268C3 at Collinsville or require the petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before October 25, 1991, and reply comments on or before November 12, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Christopher D. Imlay, Esq., Booth, Freret & Imlay, 1920 N Street, NW., suite 150, Washington, DC 20036 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of this Commission's Notice of Proposed Rule Making, MM Docket No. 91-255, adopted August 22, 1991, and released September 3, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a notice of proposed Rulemaking is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division; Mass Media Bureau.

[FR Doc. 91-21562 Filed 9-9-91; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 91-256, RM-7765]

Radio Broadcasting Services; Winchester Bay and Sutherlin, OR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Colleen F Fafara seeking the deletion of unoccupied and unapplied for Channel 266A from Sutherlin, Oregon, and its reallotment to Winchester Bay, Oregon, as its first local FM service. Petitioner is requested to provide information sufficient to demonstrate that Winchester Bay is a community for allotment purposes since it is not listed in the U.S. Census. Channel 266A can be allotted to Winchester Bay in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates North Latitude 43-40-30 and West Longitude 124-10-18.

DATES: Comments must be filed on or before October 25, 1991, and reply comments on or before November 12, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Colleen E. Fafara, 825 East Evelyn Avenue, apartment 532, Sunnyvale, California 94086 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 91-256, adopted August 22, 1991, and released September 3, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex*

parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-21563 Filed 9-9-91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 91-257, RM-7779]

Radio Broadcasting Services; Venice, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Asterisk Radio, Inc., proposing the substitution of Channel 221C3 for Channel 221A at Venice, Florida, and modification of its license for Station WCTQ(FM) to specify the higher class channel. Channel 221C3 can be allotted to Venice in compliance with the Commission's minimum distance separation requirements with a site restriction of 9.5 kilometers (5.9 miles) north, in order to avoid a short-spacing to Station WYFO(FM), Channel 220C3, Lakeland, Florida. The coordinates are North Latitude 27-10-55 and West Longitude 82-28-40. In accordance with § 1.420(g) of the Commission's Rules, we shall not accept competing expressions of interest or require the petitioner to demonstrate the availability of an additional equivalent channel for use by interested parties.

DATES: Comments must be filed on or before October 28, 1991, and reply comments on or before November 12, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Dennis F. Begley, Reddy, Begley & Martin, 2033 M Street, NW., suite 500, Washington, DC 20036. (Counsel for Asterisk Radio, Inc.).

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 91-257, adopted August 26, 1991, and released September 5, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-21720 Filed 9-9-91; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Chapter X

[Ex Parte No. 202]

Transition to the Metric System

AGENCY: Interstate Commerce Commission.

ACTION: Advance notice of proposed rulemaking; extension of time to file comments.

SUMMARY: On August 15, 1991, an advance notice of proposed rulemaking was published at 56 FR 40592 setting a deadline for comments on establishing policy and procedures to pursue and promote conversation to the metric system. The Commission is extending the comment deadline.

DATES: The new deadline for filing comments in response to the advance notice of proposed rulemaking is December 16, 1991.

FOR FURTHER INFORMATION CONTACT: Lee Gardner (202) 275-7692, [TDD for hearing impaired: (202) 275-1721].

SUPPLEMENTARY INFORMATION: On August 23, 1991, the American Trucking Associations, Inc. (ATA), the Association of American Railroads (AAR), and the National Industrial Transportation League (NITL) filed a joint request for a 90-day extension of time to file comments in this proceeding. Petitioners requested the additional time to more fully evaluate the feasibility and ramifications of converting to the metric system. Also, additional time would enable the NITL-and the ATA to consider the proposal at their annual meetings.

Decided: September 5, 1991.

By the Commission, Sidney L. Strickland, Jr., Secretary.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91-21629 Filed 9-9-91; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB66

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Three Foreign Butterflies

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine endangered status for the Homerus; Corsican; and Luzon peacock swallowtail butterflies, which are found, respectively, in Jamaica; Corsica and Sardinia; and the Philippines. All occupy restricted ranges and are jeopardized by human habitat disruption and collection. This proposal, if made final, would implement the protection of the Act for these three butterflies. The Service seeks relevant data and comments from the public.

DATES: Comments must be received by December 9, 1991. Public hearing requests must be received by October 25, 1991.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Chief, Office of Scientific Authority; Mail Stop: Arlington Square, room 725; U.S. Fish and Wildlife Service; Washington, DC 20240. Comments and materials received will be available for public inspection, by appointment, from

8 a.m. to 4 p.m., Monday through Friday, in room 750, 4401 North Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Dr Charles W. Dane, Chief, Office of Scientific Authority, at the above address (703–358–1708 or FTS 921–1708).

SUPPLEMENTARY INFORMATION:

Background

The swallowtail butterflies of the insect family Papilionidae occur mainly in tropical parts of the world. They are generally large and colorful, and thus of special attraction to people, but also are particularly susceptible to excessive collection and environmental disruption. Four species have been placed on appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Convention). One of these, Queen Alexandra's birdwing (*Troides alexandrae*) was added to the U.S. List of Endangered and Threatened Wildlife in the **Federal Register** of September 21, 1989 [54 FR 38950–38951). The other three—the Homerus, Corsican, and Luzon peacock swallowtail butterflies—are now classified as endangered by the International Union for Conservation of Nature (IUCN). The Homerus was selected by the IUCN Species Survival Commission as one of 12 critically endangered species that "highlight the serious and often still deteriorating world situation for species" (Fitter 1988). Partly in conjunction with an effort to establish closer alignment between the IUCN classifications, the Convention appendices, and the U.S. Lists, whenever warranted, the Service now proposes to determine endangered status for the three butterflies described below (information from Collins and Morris 1985).

The Homerus swallowtail butterfly (*Papilio homerus*) is the largest member of the family in the Western Hemisphere. It has a wingspan of about 6 inches (150 millimeters). The wings are black or dark brown, the upper surfaces having broad yellow bands and the lower surfaces having narrower yellow bands and blue spots. The species is known only from Jamaica in the West Indies.

The Corsican swallowtail (*Papilio hospiton*) is a short-tailed, black and yellow butterfly, with blue and red markings. Its wingspan is about 3 inches (72–76 millimeters). It is found only on islands of Corsica (France) and Sardinia (Italy).

The Luzon peacock swallowtail (*Papilio chikae*) is a beautiful green-black, red and purple, long-tailed butterfly. Its forewing length is about 2 inches (55 millimeters).

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (50 CFR part 424) set forth the procedures for adding species to the Federal Lists. A species may be determined to be endangered or threatened due to one or more of the five factors described in section 4(a)(1). These factors and their application to the Homerus, Corsican, and Luzon peacock swallowtail butterflies are as follows (information from Collins and Morris (1985) and from proposals to add the three species to appendix I of the Convention).

A. The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range

Habitat destruction is the main factor in the decline of at least two of these species. The Homerus swallowtail originally was recorded from most parts of Jamaica, but now is restricted to two disjunct areas of virgin forest, each comprising only a few square kilometers. Both populations are continuing to decline, largely because of logging and agricultural activity.

The new Corsican swallowtail has declined dramatically on both Corsica and Sardinia. On each island, the food plants of the butterfly are believed by the local people to be poisonous to sheep, and are therefore being destroyed by fires. In addition, developments such as ski resorts have destroyed habitat on Corsica. Populations of the butterfly are now extremely localized.

The Luzon peacock swallowtail is found in a mountainous area, part of which is a popular summer tourist resort. New roads and other developments are reducing available habitat for the butterfly.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Excessive collection by butterfly enthusiasts and commercial interests is a problem for all three species, and is the main factor jeopardizing the Luzon peacock swallowtail. The latter is among the most beautiful and desirable members of the family, and its habitat is becoming easily accessible through road construction. It is readily captured, as its flight is very slow and it is attracted by decoys. Commercial collecting has been intensive and prices on the international market have been remarkable high for this species. In 1983 specimens were being sold in Japan for the equivalent of U.S. $150. In 1986 a dealer in the Philippines reportedly was purchasing pairs from local collectors at high volume and for the equivalent of U.S. $40.

The Corsican swallowtail also has suffered through excessive taking by both local and foreign collectors, who are aware of its rarity. Collecting of the Homerus swallowtail is difficult in its mountainous habitat, but may be a problem since it does command a high price and there are no effective protective measures in place. In 1984 a female was advertised in the United States for $2800 and a male for $1575.

C. Disease or Predation

Not now known to be immediate problems, but of potential concern in any case of a species reduced to very limited numbers or habitat.

D. The Inadequacy of Existing Regulatory Mechanisms

The Homerus swallowtail is not covered by any specific conservation measures. The Corsican swallowtail is protected from direct taking on Corsica under French law, but the Sardinian population is not protected. There are no regulatory measures on either island to prevent habitat destruction, which is the main problem. The Luzon peacock swallowtail and its habitat are completely unprotected. Being on appendix I of the Convention helps to control international trade in these species, but does not affect environmental disruption or local collecting.

E. Other Natural or Manmade Factors Affecting its Continued Existence

None now known.

The decision to propose endangered status for the Homerus, Corsican, and Luzon peacock swallowtail butterflies was based on an assessment of the best available scientific information, and of past, present, and probable future threats to the species. All three of these butterflies have suffered substantial losses in habitat and/or numbers in recent years and are vulnerable to further human exploitation and disturbance. If conservation measures are not implemented, further declines are likely to occur. Critical habitat is not being proposed, as its designation is not applicable to foreign species.

Available Conservation Measures

Conservation measure provided to species listed as endangered or threatened pursuant to the Act include recognition, recovery actions,

requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages conservation measures by Federal, international, and private agencies, groups, and individuals.

Section 7(a) of the Act, as amended, and as implemented by regulations at 50 CFR part 402, requires Federal agencies to evaluate their actions that are to be conducted within the United States or on the high seas, with respect to any species that is proposed or listed as endangered or threatened and with respect to its proposed or designated critical habitat (if any). Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a proposed Federal action may affect a listed species, the responsible Federal agency must enter into formal consultation with the Service. No such actions are currently known with respect to the species covered by this proposal.

Section 8(a) of the Act authorizes the provision of limited financial assistance for the development and management of programs that the Secretary of the Interior determines to be necessary or useful for the conservation of endangered species in foreign countries. Sections 8(b) and 8(c) of the Act authorize the Secretary to encourage conservation programs for foreign endangered species and to provide assistance for such programs in the form of personnel and the training of personnel.

Section 9 of the Act, and implementing regulations found at 50 CFR 17.21, set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale in interstate or foreign commerce any endangered wildlife. It also is illegal to possess, sell, deliver, transport, or ship any such wildlife that has been taken in violation of the Act. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife under certain circumstances. Regulations governing permits are codified at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance propagation or survival, or for incidental take in connection with otherwise lawful activities. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship that would be suffered if such relief were not available.

Public Comments Solicited

The Service intends that any final rule adopted will be accurate and as effective as possible in the conservation of endangered or threatened species. Therefore, comments and suggestions concerning any aspect of this proposed rule are hereby solicited from the public, concerned governmental agencies, the scientific community, industry, private interests, and other parties. Comments particularly are sought concerning the following:

(1) Biological, commercial, or other relevant data concerning any threat (or lack thereof) to the subject species;

(2) The location of any additional populations of the subject species;

(3) Additional information concerning the distribution of these species; and

(4) Current or planned activities in the involved areas, and their possible effect on the subject species.

Final promulgation of the regulation on the subject species will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of final regulations that differ from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal, should be in writing, and should be directed to the party named in the above **"ADDRESSES"** section.

National Environmental Policy Act

The Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** of October 25, 1983 (48 FR 49244).

Literature Cited

Collins, N.M., and M.G. Morris. 1985. Threatened swallowtail butterflies of the world. The IUCN red data book. International Union for Conservation of Nature, Gland, Switzerland, 401 pp.

Fitter, M. 1988. Twelve critically endangered species. Species (Newsletter of the International Union for Conservation of Nature Species Survival Commission) 10:22–24

Author

The primary author of this proposed rule is Dr. Ronald M. Nowak, Office of Scientific Authority, U.S. Fish and Wildlife Service, Washington, DC 20240 (703–358–1708 or FTS 921–1708).

List of Subjects in 50 CFR Part 17

Endangered and Threatened Species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Proposed Regulations Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. It is proposed to amend § 17.11(h) by adding the following, in alphabetical order under Insects, to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Insects:							
Butterfly, Corsican swallowtail	*Papilio hospiton*	Corsica, Sardinia	NA	E		NA	NA
Butterfly, Homerus swallowtail	*Papilio homerus*	Jamaica	NA	E		NA	NA
Butterfly, Luzon peacock swallowtail.	*Papilio chikae*	Philippines	NA	E		NA	NA

Dated: August 2, 1991.

Richard N. Smith,

Acting Director.

[FR Doc. 91-21631 Filed 9-9-91; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 56, No. 175
Tuesday, September 10, 1991

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[CN 91-008]

Proposal To Reestablish the Advisory Committee on Universal Cotton Standards

AGENCY: Office of the Secretary, USDA.

ACTION: Proposal to reestablish the Advisory Committee on Universal Cotton Grade Standards.

SUMMARY: The U.S. Department of Agriculture is proposing to re-establish the advisory committee to review official Universal Grade Standards for American Upland cotton prepared by USDA and make recommendations regarding changes in the Standards.

DATES: Comments must be received by September 25, 1991.

ADDRESSES: Send written comments to: Jesse F. Moore, Director, Cotton Division, AMS, USDA, P.O. Box 96456, Washington, DC 20090-6456.

FOR FURTHER INFORMATION CONTACT: Jesse F. Moore, (202) 447-3193.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92-463), notice is hereby given that the Secretary of Agriculture intends to re-establish the Advisory Committee on Universal Cotton Standards composed of foreign and domestic representatives of the cotton industry. The purpose of the Committee is to review official Universal Grade Standards for U.S. Upland cotton prepared by USDA and make recommendations regarding changes.

The Secretary has determined that the work of the Committee is in the public interest and is in connection with the duties of the Department of Agriculture. No other advisory committee in existence is capable of advising and assisting the Department on the task assigned, nor does the Department have an alternative means to obtain the technical and practical expertise needed from private industry.

Balanced committee membership would be attained domestically and internationally through the following committee composition:

Representation By Domestic Industry

The U.S. cotton industry's committee membership will be comprised of 12 producers and ginners, 6 representatives of merchandising firms, and 6 representatives of textile manufacturers. These representatives from the domestic industry will be appointed by the Secretary of Agriculture. Equal opportunity practices, in line with USDA policies, will be followed in all appointments to the committee. Each member will have one vote. Accordingly, voting privileges will be divided as follows:

(1) U.S. cotton producers and ginners—12 votes;

(2) U.S. merchandising firms—6 votes;

(3) U.S. textile manufacturers—6 votes.

Representation By Foreign Signatory Associations

There will be 2 committee members from each of the foreign signatory associations. These committee members will be designated by the respective associations. Voting privileges will be divided as follows:

(1) Foreign signatory merchant associations—6 votes;

(2) Foreign signatory spinner associations—6 votes.

Done in Washington, DC, this 3rd day of September 1991.

Charles R. Hilty,

Associate Deputy Secretary.

[FR Doc. 91-21553 Filed 9-9-91; 8:45 am]

BILLING CODE 3410-02-M

Agricultural Research Service

Intent To Grant Exclusive Licenses

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant partially exclusive licenses to DNA Plant Technology Corporation, Oakland, California, and to Monsanto Company, St. Louis, Missouri, on U.S. Patent Application Serial No. 07/579,896, "Recombinant ACC Synthase," filed September 10, 1990. Notice of Availability was given on July 25, 1991.

DATES: Comments must be received on or before November 12, 1991.

ADDRESSES: Send comments to: USDA-ARS-Office of Cooperative Interactions, Beltsville Agricultural Research Center, Baltimore Boulevard, Building 005 room 403, BARC-W, Beltsville, Maryland 20705-2350.

FOR FURTHER INFORMATION CONTACT: M. Ann Whitehead of the Office of Cooperative Interactions at the Beltsville address given above; telephone: 301/344-2786, (FTS) 344-2786.

SUPPLEMENTARY INFORMATION: The USDA-ARS intends to grant two partially exclusive licenses to practice the aforementioned invention. Patent rights to this invention are assigned to the United States of America as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as said companies have submitted complete and sufficient applications for a license, promising therein to bring the benefits of said invention to the U.S. public. The prospective partially exclusive licenses will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective partially exclusive licenses may be granted unless, within sixty days from the date of this published Notice, ARS receives written evidence and argument which establishes that the grant of the licenses would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

William H. Tallent,

Assistant Administrator.

[FR Doc. 91-21660 Filed 9-9-91; 8:45 am]

BILLING CODE 3410-03-M

Animal and Plant Health Inspection Service

[Docket No. 91-127]

Receipt of Permit Applications for Release Into the Environment of Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that two applications for permits to release genetically engineered organisms into the environment are being reviewed by the Animal and Plant Health Inspection Service. The applications have been submitted in accordance with 7 CFR part 340, which regulates the introduction of certain genetically engineered organisms and products.

ADDRESSES: Copies of the applications referenced in this notice, with any confidential business information deleted, are available for public inspection in room 1141, South Building, United States Department of Agriculture, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. You may obtain a copy of these documents by writing to the person listed under **"FOR FURTHER INFORMATION CONTACT."**

FOR FURTHER INFORMATION CONTACT: Mary Petrie, Program Specialist, Biotechnology, Biologics, and Environmental Protection, Biotechnology Permits, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which are Plant Pests or Which There is Reason to Believe Are Plant Pests," require a person to obtain a permit before introducing (importing, moving interstate, or releasing into the environment) in the United States, certain genetically engineered organisms and products that are considered "regulated articles." The regulations set forth procedures for obtaining a permit for the release into the environment of a regulated article, and for obtaining a limited permit for the importation or interstate movement of a regulated article.

Pursuant to these regulations, the Animal and Plant Health Inspection Service has received and is reviewing the following applications for permits to release genetically engineered organisms into the environment:

Application No.	Applicant	Date received	Organism	Field test location
91-218-02, renewal of permit 91-074-01, issued on 06-05-91.	Upjohn Company	08-06-91	Corn plants genetically engineered to express a glufosinate phosphinothricin-acetyltransferase (PAT) gene.	Isabela, Puerto Rico.
91-218-03	University of California, Davis	08-06-91	Apple plants genetically engineered to express insecticidal crystal proteins (ICP) of *Bacillus thuringiensis* (Bt) HD-73.	Stanislaus County, California.

Done in Washington, DC, this 4th day of September 1991.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 91-21663 Filed 9-9-91; 8:45 am]

BILLING CODE 3410-34-M

Food Safety and Inspection Service

[Docket No. 91-009N]

Availability of Scientific Study of Post-Mortem Inspection Procedures for New Zealand Lambs

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: Countries eligible to export meat products to the United States must develop and operate a national meat inspection system that is "at least equal to" that of the United States. The Food Safety Inspection Service (FSIS) has reviewed a scientific study conducted and submitted by New Zealand in support of its request to apply certain new post-mortem inspection procedures to New Zealand lambs for export to the United States. Although the procedures described in the study are different from those used to inspect lambs in the United States, FSIS has determined that they are appropriate and continue to provide for inspection standards in New Zealand that are at least equal to those of the United States' meat inspection program. This notice announces the availability of the scientific study provided by New Zealand.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia Stolfa, Deputy Administrator, International Programs, Food Safety and Inspection Service, USDA, room 341-E, Administration Building, Washington, DC 20250, (202) 447-3473.

SUPPLEMENTARY INFORMATION: Section 20(a) of the Federal Meat Inspection Act (21 U.S.C. 620(a)) provides that meat products imported into the United States must comply with requirements at least equal to " * * * all the inspection, building construction standards, and all other provisions of this Act and regulations issued thereunder * * *." Section 327.2(a)(1) of the Federal meat inspection regulations (9 CFR 327.2(a)(1)) provides, in part, that whenever the Administrator of FSIS determines that the system of meat inspection maintained by any foreign country complies with requirements at least equal to those applied to official establishments in the United States, the country shall be eligible for importation of its meat products into the United States.

FSIS's determination that a country's meat inspection system is "at least equal to" that of the United States is based on a review of that country's laws, regulations, and other documents which provide the authority and define the procedures of the program. An initial review and subsequent periodic reviews by FSIS technical experts to observe the system in operation determine whether the foreign inspection system is maintaining "at least equal to" requirements. A country eligible to export meat products to the United States is responsible for certifying plants which meet U.S. requirements. Products produced in a certified plant may be exported to the United States when accompanied by an export certificate signed by an official of the foreign inspection system stating that the products meet requirements at least equal to those in the Federal Meat Inspection Act and the regulations promulgated thereunder.

In reviewing a country's meat inspection system, FSIS is frequently required to provide advice on whether specific inspection activities or procedures are consistent with an "at least equal to" determination. For example, a country may wish to use a procedure for identifying retained product that is different from the procedure used in the United States but that meets the required procedure. More specifically, one country uses multi-colored tags printed with disease or contamination conditions to identify

retained product; FSIS uses buff-colored tags printed "U.S. Retained." Similarly, particular post-mortem inspection techniques may vary among countries due to differences in the diseases to which animals may be exposed and for which animals must be inspected.

New Zealand's meat inspection system is currently eligible to certify mean product for importation into the United States (9 CFR 327.2(b)). Recently, New Zealand's Ministry of Agriculture and Fisheries asked FSIS whether the use of certain new inspection procedures for lambs, which differ from the procedures used in the United States, are consistent with its continued status as an "at least equal to" inspection system.

In support of its position, New Zealand conducted and submitted to FSIS an indepth study of diseases present in its slaughter lamb population and the relationship of its post-mortem inspection procedures for lambs to the detection of those diseases. This study, "Evaluation of Post Mortem Meat Inspection Procedures for Sheep Slaughtered in New Zealand," is based on a significant body of original research. It provides a risk assessment that shows what post-mortem inspection procedures are most appropriate for New Zealand lambs.[1]

FSIS has reviewed this study and has concluded that it provides a comprehensive scientific rationale for the post-mortem inspection procedures proposed for application to lambs in New Zealand and that those procedures are consistent with the continued eligibility of New Zealand's inspection system to maintain its status as a system that applies post-mortem inspection standards "at least equal to" those applied in the United States.

FSIS is publishing this notice to bring attention to this study and to announce its availability. A copy of this study is available for review in the FSIS Hearing Clerk's office, room 3171-South, 14th and Independence Avenue, SW., Washington, DC 20250.

Done at Washington, DC, on September 3, 1991.

Ronald J. Prucha,

Acting Administrator, Food Safety and Inspection Service.

[FR Doc. 91-21664 Filed 9-9-91; 8:45 am]

BILLING CODE 3410-DM-M

[1] This study is available for public review in the FSIS Hearing Clerk's office, room 3171-South, 14th and Independence Avenue, SW., Washington, DC 20250.

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Kentucky State Advisory Committee

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Kentucky Advisory Committee to the Commission will convene at 2 p.m. and adjourn at 4 p.m. on Monday, September 30, 1991, at the Seelbach Hotel, 500 Fourth Avenue, Louisville, Kentucky 40202. The purpose of the meeting is: (1) To orientate the SAC; (2) to discuss the status of the Commission; (3) hear a report on civil rights progress and/or problems in the State; (4) to plan a project for Fiscal Year 1992.

Persons desiring additional information, or planning a presentation to the Committee should contact Kentucky Chairperson Thelma Clemons 502/893-1055 or Bobby D. Doctor, Regional Director, Southern Regional Office of the U.S. Commission on Civil Rights at (404/730-2476, TDD 404/730-2481). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Southern Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, September 3, 1991.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 91-21691 Filed 9-9-91; 8:45 am]

BILLING CODE 6335-01-M

Agenda and Notice of Public Meeting of the Maine State Advisory Committee

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Maine State Advisory Committee to the Commission will convene at 3 p.m. and adjourn at 6 p.m. on Thursday, September 26, 1991, Augusta Comfort Inn, 281 Civic Center, August, ME 04330. The purpose of the meeting is to (i) provide an orientation for new SAC members, (ii) report on the 1991 National Conference of SAC Chairpersons, and (iii) plan SAC activities for FY 1992.

Persons desiring additional information, or planning a presentation to the Committee, should contract John I. Binkley, Director, Eastern Regional Division at (202) 523-5264, TDD (202) 376-8117. Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, September 5, 1991.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 91-21692 Filed 9-9-91; 8:45 a.m.]

BILLING CODE 6335-01-M

Agenda and Notice of Public Meeting of the New Hampshire Advisory Committee

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Hampshire Advisory Committee to the Commission will convene at 3:30 p.m. and adjourn at 6:30 p.m. on September 24, 1991, Sheraton Tara Wayfarer Inn, 121 S. River Road, Bedford, NH 03114. The purpose of the meeting is to orient new members, to report on the 1991 National Conference of SAC Chairpersons, and to plan SAC activities for FY92.

Persons desiring additional information, or planning a presentation to the Committee, should contact John I. Binkley, Director, Eastern Regional Division at (202) 523-5264, TDD (202) 376-8117. Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, September 5, 1991.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 91-21693 Filed 9-9-91; 8:45 am]

BILLING CODE 6335-01-M

Agenda and Notice of Public Meeting of the Rhode Island State Advisory Committee

Notice is hereby given, pursuant to the

provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Rhode Island State Advisory Committee to the Commission will convene at 3 p.m. and adjourn at 6 p.m. on Wednesday, September 25, 1991, Providence Marriott Hotel, Charles & Orms Streets, Providence, RI 02904. The purpose of the meeting is to report on the 1991 National Conference of SAC Chairpersons and to plan SAC activities for FY 1992.

Persons desiring additional information, or planning a presentation to the Committee, should contact John I. Binkley, Director, Eastern Regional Division at (202) 523-5264, TDD (202) 376-8117. Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, September 5, 1991.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 91-21694 Filed 9-9-91; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

Petitions by Producing Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration (EDA), Commerce.

ACTION: To give firms an opportunity to comment.

Notice of Petitions by Producing Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing on the dates indicated from the firms listed below.

Firm name	Address	Date petition accepted	Product
Spec Steels Inc	77 Foundary Avenue, Batavia, OH 45103	07/22/91	Machine tools and extrusion tooling for PVC and machined steel products, semi-finished.
Crosby Company (the)	183 Pratt Street, Buffalo, NY 14240	07/24/91	Pay phone enclosures, gear boxes housing, companion housing and air brake cylinder housing.
Down Products Incorporated	2609 First Avenue, Seattle, WA 98121	07/25/91	Men's and Women's Jackets.
Millers Falls Tool Company, Inc	P.O. Box 1030/1161, Third Avenue, Alpha, NJ 08865.	07/25/91	Hand tools including axes, spades, forks, shovels, hoes and other miscellaneous hand tools.
Bobil Motor Products, Inc	7437 Ethel Avenue, North Hollywood, CA 91605	08/02/91	Automotive parts—brake shoes & disc pads and water pumps.
Premier Die Casting Company	1177 Rahway Avenue, Avenel, NJ 07001	08/05/91	High pressure aluminum die castings of various sizes and shapes.
Baron Woolen Mills, Inc	P.O. Box 373, 56 N. 500 E., Brigham City, UT 84302.	08/06/91	Blankets of wool and yard goods of wool.
Price Pump Manufacturing Company	#1 Pump Way, P.O. Box Q, Sonoma, CA 95476	08/07/91	Bronze, iron or stainless steel centrifugal pumps.
Bakery Equipment & Service Company	1623 N. San Marcos, San Antonio, TX 78201	08/07/91	Flour tortilla producing machines.
Carpenter Shoe Company, Inc (the)	803 State Road 16, Green Cove Springs, FL 32043	08/07/91	Leather footwear for children through misses.
College House, Inc. (the)	601 Cantiague Road, Westbury, NY 11590	08/07/91	Imprinted sportswear used for stenciling purposes in screen process printing.
Analog Technology Corporation	1859 Business Center Drive, Duarte, CA 91010	08/09/91	Bar code printers: Design to mechanical layout of electronic graphic controllers.
Shawndra Products, Ltd	1514 Rochester Road, Lima, NY 14485	08/13/91	Industrial air filters.
Conso Products Company, Inc	Highway 176 Duncan Bypass, Union, SC 29379	08/13/91	Narrow Fabrics for trimmings for clothes and home furnishings and drapery tie-backs.

The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (19 U.S.C. 2341). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Trade Adjustment Assistance Division, room 4015A, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance.

Dated: August 23, 1991.

L. Joyce Hampers,

Assistant Secretary for Economic Development.

[FR Doc. 91-21695 Filed 9-9-91; 8:45 am]

BILLING CODE 3510-24-M

Foreign Trade Zones Board

[Order No. 536]

Temporary Time Extension of Authority for Subzones 122D, 122E, and 122H, Corpus Christi, TX

Whereas, on September 5, 1985, the Foreign-Trade Zones (FTZ) Board designated the Port of Corpus Christi Authority (the Port), as grantee of FTZ 122, under a zone plan which included conditional approval for foreign-trade subzone status at the manufacturing plants of Gulf Marine Fabricators, Inc. (SZ 122D), Berry Contracting, Inc. (SZ 122E), and Hitox Corporation of America (SZ 122H) in Corpus Christi, Texas (Board Order 310, 50 FR 38020, 9/19/85);

Whereas, the foregoing subzones were approved subject to restrictions, including a five-year time restriction, which has once been extended (to 9/5/91);

Whereas, the Port made application to the Board during 1991 for an indefinite time extension for the three foregoing subzones;

Whereas, the Port has requested an interim temporary extension for one year so that subzone authority remains in effect while the application is being processed, and;

Whereas, the FTZ Staff has conducted a preliminary review and finds that under the circumstances, a temporary extension of authority for the three foregoing sites would be in the public interest;

Now, therefore, the Board hereby orders:

That the authority for Subzones 122D, 122E, and 122H is extended to September 5, 1992, subject to the conditions enumerated in Board Order 310 in effect following adoption of Board Order 529, 8/21/91.

Signed at Washington, DC this 30th day of August, 1991.

Attest: John J. Da Ponte, Jr., *Executive Secretary.*

Marjorie A. Chorlins,

Acting Assistant Secretary of Commerce for Import Administration, Chairman, Committee of Alternates, Foreign-Trade Zones Board.

[FR Doc. 91-21700 Filed 9-9-91; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

[A-570-808]

Final Determination of Sales at Less Than Fair Value: Chrome-Plated Lug Nuts From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: September 10, 1991.

FOR FURTHER INFORMATION CONTACT: Gary Bettger, Julie Anne Osgood, or Carole Showers, Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC, 20230; telephone: (202) 377-2239, 377-0167, and 377-3217, respectively.

Final Determination

The Department determines that chrome-plated lug nuts from the People's Republic of China (PRC) are being, or are likely to be, sold in the United States at less than fair value, as provided in section 735(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1673d(a)) (the Act). The estimated margin is shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the publication of our preliminary determination on April 18, 1991 (56 FR 15857), the following events have occurred. On April 26, 1991, respondent requested that the Department postpone making its final determination to 135 days after the publication of the preliminary determination. On May 8, 1991, petitioner opposed the extension. On May 16, 1991, we published a notice postponing the final determination until no later than September 3, 1991 (56 FR 22696). We verified the response of China National Machinery & Equipment Import and Export Corporation, Jiangsu Co., Ltd. (CMEC Jiangsu) and Lu Dong Grease Gun Factory (Lu Dong) in Beijing and Jiangsu Province, PRC, from April 29 through May 10, 1991. Petitioner and respondent filed case briefs on July 23 and July 24, 1991, respectively. Both parties submitted rebuttal briefs on July 31, 1991. A public hearing was held on August 2, 1991.

Scope of Investigation

The products covered by this investigation are one-piece and two-piece chrome-plated lug nuts, finished or unfinished. The subject merchandise includes chrome-plated lug nuts, finished or unfinished, which are more than 11/16 inches (17.45 millimeters) in height and which have a hexagonal (hex) size of at least 3/4 inches (19.05 millimeters) but not over one inch (25.4 millimeters). The term "unfinished" refers to unplated and/or unassembled chrome-plated lug nuts. The subject merchandise is used for securing wheels to cars, vans, trucks, utility vehicles, and trailers. Zinc-plated lug nuts, finished or unfinished, and stainless-steel capped lug nuts are not included in the scope of this investigation. Chrome-plated lock nuts are also not subject to this investigation.

Chrome-plated lug nuts are currently classified under subheading 7318.16.00.00 of the Harmonized Tariff Schedule (HTS). Although the HTS subheading is provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

Period of Investigation

The period of investigation (POI) is May 1, 1990, through October 31, 1990.

Fair Value Comparisons

To determine whether sales of chrome-plated lug nuts from the PRC to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

United States Price

We based United States price on purchase price for all of CMEC Jiangsu's sales, in accordance with section 772(b) of the Act, both because the chrome-plated lug nuts were sold to unrelated purchasers in the United States prior to importation into the United States and because exporter's sales price methodology was not indicated by other circumstances. We calculated purchase price based on packed, CIF prices. We made deductions for foreign inland freight, ocean freight, and marine insurance in accordance with section 772(d)(2) of the Act. Because ocean freight was contracted from a market-economy shipper, we have used the ocean freight charges actually incurred by CMEC Jiangsu.

We based deductions for foreign inland freight and marine insurance on freight and marine insurance rates in Pakistan because no evidence was provided to indicate that the prices for those services were market-determined. Pakistan is the surrogate country chosen for purposes of this final determination (see, Foreign Market Value section of this notice). This action is consistent

with our practice that freight and insurance incurred in a state-controlled economy should be based on similar charges in a non-state-controlled economy. See, Final Determination of Sales at Less than Fair Value: Sparklers from the People's Republic of China (56 FR 20589, May 6, 1991).

Foreign Market Value

In every past case, (e.g., Final Determination of Sales at Less than Fair Value: Sparklers from the People's Republic of China (56 FR 20589, May 6, 1991), the Department has treated the PRC as a nonmarket economy country (NME). Petitioner agrees with the Department's treatment and states that the PRC should continue to be treated as an NME for the purposes of this investigation. Respondent, however, claims that regardless of whether the Department views the PRC macroeconomy as nonmarket, the chrome-plated lug not sector is sufficiently market-oriented to permit the Department to determine FMV under section 773(a) of the Act.

In our preliminary determination, we indicated that, from a macroeconomic perspective, the Department viewed the PRC as a nonmarket economy country. However, we left open the possibility that the chrome-plated lug nut sector may be sufficiently market-oriented to permit the Department to determine FMV under section 773(a) of the Act. In order to evaluate such a possibility, the Department indicated that it would apply the criteria listed in section 771(18) of the Act to the chrome-plated lug nut sector. We have subsequently reconsidered this approach.

After the preliminary determination in this proceeding was published, the Department made its preliminary determination in the antidumping duty investigation of Oscillating Fans and Ceiling Fans from the People's Republic of China, (56 FR 25664) (June 5, 1991) (Fans). In Fans, the Department determined that absent a showing that all costs are market-oriented, FMV in a NME cannot be based on home market prices, third country prices, or constructed value, but must be based on factors of production. The Department further determined that:

> It is the Department's practice to value factor of production inputs at actual acquisition prices if it can be established that those inputs are purchased from a market economy country. (See, e.g., Sparklers, supra.) If a party is able to establish that inputs purchased in a NME are purchased at market-oriented prices, we may likewise be able to accept them for purposes of a factors of production analysis.
>
> If at the time of these final determinations we are satisfied that the cost of inputs sourced in the PRC, including materials, labor, water, electricity and rent, are valued on the basis of market principles, we may substitute those market values for surrogate country values in individual firm calculations.

(56 FR 25664) (June 5, 1991)

We have adopted the analysis described in Fans for the purposes of this final determination because, as outlined below, it best comports with what we believe the statute is directing us to do. Section 773(c)(1) states:

In general, if:

(A) The merchandise under investigation is exported from a nonmarket economy country, and

(B) The administering authority finds that available information does not permit the foreign market value of the merchandise to be determined under subsection (a), the administering authority shall determine the foreign market value of the merchandise on the basis of the value of the factors of production utilized in producing the merchandise * * *.

Thus, if both conditions laid out in the statute are met, we are directed to apply the factors of production methodology, which is unique to NME cases.

The issue which has arisen in this proceeding is how the Department will calculate FMV when the conditions are not met. Clearly, if the first condition is not met, *i.e.*, if the Department determines that the country is a market economy country, then FMV will be based on the foreign producer's prices or costs. In essence, if the country is deemed a market economy country, normal dumping procedures will apply. However, respondent in this proceeding is not claiming that the PRC is a market economy country. Instead, respondent is arguing that available information permits FMV to be determined in the PRC.

As described above, we preliminarily determined in Fans those situations that would lead us to use sales prices or production costs in the NME for determining FMV. In short, in order for us to find a "bubble of capitalism" and to treat the NME producer as if it were a market economy producer despite the fact that the economy in which it operates is nonmarket, we will have to be persuaded that all prices and costs faced by the individual producer are market determined. Alternatively, in those situations were some, but not all, inputs are not market-determined, we will rely on the surrogate values for those inputs, but will utilize all NME input costs that are determined to be market-driven.

We have adopted this method of analysis because we question whether it is possible to have a "bubble of capitalism" in an otherwise nonmarket economy. For example, an individual producer of chrome-plated lug nuts may be outside of direct government control in the sense that inputs are purchased outside the plan, management is selected by workers, and decisions on what to produce and sell, and what prices to charge are left to the producing entity. Nevertheless, this freedom from direct control occurs in an environment where the domestic currency is not fully convertible, a portion of basic industrial output is produced for the state at state-controlled prices, and most trade is still carried out through trading companies which only recently have begun to separate from national, central-government-owned trading companies.

Therefore, we have imposed what may be viewed as a strict test for determining whether a "bubble of capitalism" exists in an otherwise nonmarket economy—the price or cost of all inputs into the production of the product must be market-driven. This test clearly will be met only in exceptional circumstances, which accords with our view that bubbles of capitalism are exceptional events.

On the other hand, we recognize that for certain inputs into the production process, market forces may be at work. For example, inputs may be imported from suppliers in market economy countries. Similarly, we may find that market forces are at work in determining the prices for locally-sourced goods in the nonmarket economy. Where this occurs, we believe that it is appropriate to use those prices in lieu of values of a surrogate, market-economy producer, because they are market-driven prices and they reflect the producer's actual experience. There is nothing to be gained in terms of accuracy, fairness, or predictability in using surrogate values when market-determined values exists in the NME country. Indeed, where we can determine that a NME producer's input prices are market determined, accuracy, fairness, and predictability are enhanced by using those prices.

We have further concluded that the criteria listed in section 771(18) are not appropriate for determining the market orientation of any particular sector in a nonmarket economy. Because these criteria have a macroeconomics orientation, they are designed to be applied on an economy-wide basis rather than at a sectoral level. For example, while currency convertibility is an important criterion for evaluating the market-orientation of an overall economy, it is relatively unimportant

when assessing the internal market forces that may or may not exist with respect to the production of a particular product. Similarly, while the extent of foreign investment may be a useful indicator of the market orientation of the economy as a whole, foreign investment with respect to a particular product may have little, if any, effect upon the presence or absence of internal market forces in the production of that product. Accordingly, we have concluded that the criteria set out in section 771(18) of the Act are not appropriate for determining whether the chrome-plated lug nut sector is or is not free of government control and thus subject to market forces.

In deciding not to apply the criteria listed in section 771(18) of the Act, we looked to section 773(c)(1)(B) of the Act for guidance. Unfortunately, as we observed in Fans, the legislative history of this section "simply paraphrases the statutory language and provides no additional guidance in its interpretation or application." 56 FR at 25667. We note, however, that, from the legislative history, the principal concern expressed by Congress for not basing FMV on prices in a NME is that the antidumping duty law is inherently designed to address LTFV issues in terms of market prices.

With the individual factor input methodology described above, we believe that we are addressing the paramount concern expressed by Congress for not using NME prices to determine FMV, while at the same time recognizing that a NME country that is undergoing a transition to a market-oriented economy may contain sectors within its overall economic structure where market forces have already come into play. When the Department is able to verify the existence of such conditions, we believe it is appropriate to use those prices to determine FMV.

A summary of our analysis of certain individual factor inputs for chrome-plated lug nuts follows. For a more detailed analysis of these inputs, see, Memorandum to Eric I. Garfinkel from Francis J. Sailer on file in the Central Records Unit, room B-099, of the Main Commerce Building. We have determined whether particular inputs are market-driven by analyzing the extent to which each factor input is state-controlled.

Steel

Based upon evidence in the record and upon our verification, we found that the state has a considerable presence in the PRC steel sector. However, the extent of this presence appears to vary from province to province (*e.g.*, the overall percentage of steel subject to state-controlled prices approximates 45 percent nationally, but may be as little as 25 percent in Jiangsu Province). A state-owned company, Beijing Iron and Steel Company (BISC), is the largest supplier to Lu Dong (the sole manufacturer of chrome-plated lug nuts during the period of investigation) of steel used in the production of chrome-plated lug nuts. While BISC was required to sell 45 percent of its production to buyers named by the government at state-controlled prices, the remaining production was sold on the "open market" (*i.e.*, the government does not direct BISC to sell to any particular party, nor does it mandate any particular price). At verification we found that Lu Dong purchased steel from BISC through the open market.

Furthermore, we learned that the rest of Lu Dong's steel suppliers are either locally public-owned or collective enterprises. We did not find any evidence that these suppliers are influenced by the state in making business decisions. Even though the State Ministry of Materials Supply publishes a "ceiling price" for all open market steel transactions, apparently these operate only as guidelines.

Lu Dong sourced all of its steel domestically during the POI. Consequently, we are not able to determine whether, if Lu Dong chose, it could have purchased steel from a non-PRC source. Lu Dong appears to select suppliers based on price, proximity, and quality. Local suppliers provide the best source when Lu Dong is in immediate need of steel. However, BISC provides the highest quality steel to Lu Dong, which it prefers to use in its production of chrome-plated lug nuts. Because of this higher quality, BISC charges a price higher than the prices charged by Lu Dong's local suppliers. As stated above, at verification we found no evidence of state involvement in the setting of the prices for steel sold by BISC to Lu Dong or for steel sold by the local suppliers.

Therefore, we have determined that the presumption of state control has been overcome for the steel purchased for use in the production of chrome-plated lug nuts. Thus, we have used the PRC price for steel in the factors of production analysis.

Chemicals

Based upon our verification, we determined that the state has some presence in the PRC chemical sector. However, it appears that a relatively small portion of chemicals supplied in the PRC fall under state-controlled guidelines. According to one official from the Jiangsu Provincial Industrial Chemicals Corporation, approximately ten percent of the Chemical production in the PRC falls under state-controlled prices. We also did not find any evidence that two of Lu Dong's actual suppliers—locally, public-owned firms—are influenced by the State in making business decisions.

Because Lu Dong sourced all of its chemicals domestically during the POI, we are not able to determine whether, if Lu Dong chose, it could have purchased chemicals from non-PRC sources. As with steel, however, Lu Dong appears to select chemical suppliers based on price and proximity. In practice, Lu Dong will negotiate a price and then place an order. At verification we found no evidence of state involvement in the setting of prices by Lu Dong's chemical suppliers.

Accordingly, we have determined that the presumption of state control has been overcome for the chemicals purchased for use in the production of chrome-plated lug nuts. Thus, we have used PRC prices for chemicals in the factors of production analysis.

Labor

At verification, even though respondent provided documents suggesting that labor is relatively free to move in and out of the chrome-plated lug nut sector, certain state labor policies still appear to have substantial and direct effects on the labor decisions of workers and management. For instance, all workers, including those that produced chrome-plated lug nuts, are required to register under the "hukuo" system. Upon obtaining a position with a new company, a worker must also notify the authorities in both the old and new locations. Furthermore, additional labor permits are required to work in certain positions.

We were not able to determine the extent to which wage rates are determined by any semblance of free bargaining between labor and management. We did not obtain information from any source on the nature of collective bargaining or the right to strike the PRC, generally, or the chrome-plated lug nut sector, specifically. Even though we obtained information regarding the overall salary amount of temporary, unskilled workers (plus the percentage breakdown of the various components of that salary), we were not able to determine to what extent employees could negotiate salary adjustments. Finally, we were not able to determine the effect that the employee representatives groups had upon the determination of wage and other employment policies.

As a result, we have concluded that respondent has not overcome the presumption of state control with respect to labor and that the PRC rate should not be used for purposes of the factors of production analysis.

Electricity and Water

Although there appear to be some market forces at work in the supply of electricity and water to Lu Dong, we were not able to determine from information on the record that the value of these inputs are sufficiently free of state control to be used for purposes of the factors of production analysis.

Land

The record shows that the state owns all of the land in the PRC, including that used by Lu Dong. It is not clear from the record whether Lu Dong can negotiate the rent that it pays for the use of the land. Consequently, due to the lack of information on the record, respondent has not overcome the presumption of state control with respect to the value of the land (rent). Therefore, this factor is valued using surrogate data.

Other Factors of Production

Section 773(c) of the Act, as amended by the Omnibus Trade and Competitiveness Act of 1988 (the 1988 Act), requires the Department to determine FMV on the basis of the factors of production utilized in producing the subject merchandise. The 1988 Act further requires the Department to value the factors of production, to the extent possible, in market economy countries that are at a level of economic development comparable to that of the NME country and that are significant producers of comparable merchandise.

For those factors found to be state-controlled, the Department has determined that Pakistan is the appropriate surrogate market economy country in which to value the factors of production in this investigation. Pakistan is a known producer of "hub nuts," a product comparable to the subject merchandise. Further, we have determined that Pakistan is comparable to the PRC in terms of per capital GNP, the national distribution of labor, and growth rate in per capita GNP. In valuing the factors of production, we have generally used information gathered by our Consulate in Karachi from a Pakistani producer of hub nuts.

Factors of Production

For the purposes of this final determination, the Department has valued the factors of production, as reported by the exporter CMEC Jiangsu, using data obtained from the U.S. Consulate in Karachi. Paskistani data was used for those factors not found to be free of state-control (*i.e.*, labor, energy, water, packing, overhead, profit, credit, inland freight, and marine insurance). For those factors inputs we found to be free of state control (*i.e.*, steel and chemicals), we used verified prices in the PRC obtained from respondent. However, respondent failed to provide the Department with PRC prices for one type of steel and two chemicals; therefore, we have used Pakistani prices to value these factors. For the one type of steel where the Pakistani price was used, the price was inflated to a POI value using wholesale price indices published by the International Monetary Fund. We also added an amount for factory overhead based on the Pakistani producer's experience.

The statutory minimum of ten percent for general expenses was used, pursuant to section 773(e)(1)(B) of the Act, because the actual average general expenses incurred by the Pakistani hub nut producer was below the statutory minimum. Finally, we added the actual average profit earned by Pakistani hub nut producer, plus an amount for packing, valued in Pakistan, to arrive at a constructed FMV for a single chrome-plated lug nut.

Based on information provided at verification, we have recalculated steel consumption to reflect the actual quantity of steel consumed per piece rather than the planned quantity per piece. We have adjusted this recalculated steel consumption to reflect the waste generated during the production process. In addition, for one particular part number, we have added the cost differential for special polishing. We also revised: (1) labor hours, to reflect actual production experience; (2) freight costs, using a packed weight based on actual invoices obtained at verification; and (3) the amount of sulfuric acid consumed, to reflect verified amounts.

Critical Circumstances

Based on our analysis of the exports of chrome-plated lug nuts reported by CMEC Jiangsu, we do not find massive imports of the subject merchandise. Thus, we determine that critical circumstances do not exist with respect to imports of chrome-plated lug nuts from the PRC.

Currency Conversion

We made currency conversions in accordance with 19 CFR 353.60(a). Currency conversions for Pakistani Rupees to U.S. dollars were made at the rates certified by the Federal Reserve Bank. For those conversions from PRC Renminbi to U.S. dollars we calculated a weighted-average rate for Lu Dong, weighted by its conversions at the official rate and the "swap" rate (*i.e.*, the rate at local uncontrolled exchanges).

Verification

Pursuant to section 776(b) of the Act, we verified information used in reaching our final determination. We used standard verification procedures, including examination of relevant accounting records and original source documents provided by the respondent. Public versions of our verification reports are on file in the Central Records Unit (room B-099) of the Main Commerce Building.

Interested Party Comments

Comment 1: Respondent argues that cancelled sales should be excluded from CMEC Jiangsu's sales base during the POI. Furthermore, respondent argues that any costs incurred on these sales should not be considered by the Department.

Petitioner argues that it may be appropriate to consider the cancelled sales as exporter sales price transactions.

DOC Position: We agree with respondent. At verification, we established that these sales were cancelled by the customer and that CMEC Jiangsu had not received payment. Therefore, we have not included these sales in our calculations.

Comment 2: Petitioner contends that the Department should make an adjustment for credit, commissions, warehousing, and inventory carrying costs incurred on CMEC Jiangsu's sales of chrome-plated lug nuts to the United States.

DOC Position: Since we have used the statutory minimum for SG&A in calculating constructed value, we were not able to determine the specific amount of direct selling expenses (*i.e.*, credit, commissions, etc.) included in FMV. It would be unreasonable to make an upward adjustment to FMV for the selling expenses incurred on U.S. sales without making a corresponding downward adjustment to account for the selling expenses embodied in the ten percent SG&A. Therefore, we have made no adjustment to FMV for U.S. selling expenses.

Comment 3: Petitioner argues that the discount granted on certain invoices to a particular U.S. customer should be applied to all sales.

Respondent argues that the Department found this discount only on

invoices pre-selected for verification and did not verify that the discount applied to all invoices. Furthermore, respondent states that it is irrelevant whether discounts were found at verification because they only applied to cancelled sales.

DOC Position: We determined at verification that CMEC Jiangsu failed to report a discount paid to a particular U.S. customer. Contrary to respondent's claim, not all of the sales to that customer were cancelled. Therefore, as best information available, we have applied a discount to all sales to that U.S. customer. We also verified that with respect to another U.S. customer CMEC Jiangsu did not grant a discount. Consequently, no discount was applied to those sales.

Comment 4: Based upon customs data, petitioner alleges that there is at least one additional supplier of chrome-plated lug nuts in the PRC, and that the respondent has not conclusively proved otherwise. Petitioner further argues that the Department must conclude that the entries made several months after the POI and not reported by respondent were shipped by some other producer, or not correctly reported by respondent. In addition, petitioner contends that the Department should disregard the shipment data reported in the response for purposes of the final critical circumstances determination.

Respondent argues that, as verified from the China Chamber of Commerce for Machinery and Electronic Products, Lu Dong is the sole producer of, and CMEC Jiangsu is the sole exporter of, chrome-plate lug nuts from the PRC. Therefore, if a dumping margin is determined for CMEC Jiangsu, the Department must eliminate the phrase "all other manufacturers, producers and exporters" as used in the preliminary determination.

DOC Position: We verified the shipment information on the record with respect to CMEC Jiangsu and found no discrepancies. We established that the entries outside the POI, referred to by petitioner, correspond to sales made by CMEC Jiangsu during the POI. From our discussions with the PRC Government, CMEC Jiangsu, and Lu Dong officials at verification, we have no reason to believe that there are additional manufacturers, producers, or exporters of chrome-plated lug nuts in the PRC. Therefore, we have used the data reported by respondent and verified for purposes of our final determination.

With regard to respondent's argument, it remains the Department's practice to include the language, "all other manufacturers, producers, and exporters," in preliminary and final determination notices in order to establish a rate for any manufacturers, producers, or exporters that were not specifically reviewed or who begin to ship the subject merchandise to the United States after publication of an antidumping duty order.

Comment 5: Petitioner contends that workers involved in the production of chrome-plated lug nuts are "skilled" because they operate machinery and have been retained by the company for a number of years, acquiring on-the-job skills.

Respondent argues that all workers involved in the production of chrome-plated lug nuts are employed on a temporary basis and only receive one week of training before they begin operating machines. Respondent maintains that these workers do not plan production schedules, repair machines, or perform any other functions that would characterize them as skilled for purposes of this investigation. Respondent concludes that we should not use Pakistani labor rates, but that if we do, we should use an unskilled labor rate.

DOC Position: We have used the unskilled labor rate from Pakistan to value the wages paid to temporary workers directly involved in the production of chrome-plated lug nuts. These are temporary workers, and we have no reason to believe that they possess any particular skills suitable to the production of chrome-plated lug nuts. However, for those permanent employees operating in management or other supervisory capacities in the production of chrome-plated lug nuts, we have used a skilled labor rate from Pakistan in our constructed value calculations for purposes of the final determination.

Comment 6: Petitioner argues that the number of workers used by Lu Dong in the production of chrome-plated lug nuts differs from the number reported in the response and the number verified. Petitioner requests that the Department use the highest number of workers reported and include "shift directors" in its calculations. Petitioner further argues that production levels are too high per worker per machine per eight-hour shift. Petitioner references the "cutting stage" in the production process to support this argument. Petitioner questions whether the figures reported included support workers and argues that the figures reported assume an unrealistically high level of proficiency both at the beginning and end of a shift.

Respondent maintains that shift directors should not be included in the Department's calculations since they are not directly involved in the production of the subject merchandise. Respondent also argues that petitioner confuses the cutting of the hexagonal rod with the production of lug nuts. Respondent maintains that the production levels for cutting the hexagonal bar into blanks are realistic and verified by the Department.

DOC Position: The documentation we received from Lu Dong at verification indicates total production processes and labor hours on a per shift basis for each pre-selected part number. Lu Dong provided this documentation for each production run. We have no reason to believe that the documentation provided does not accurately represent Lu Dong's actual production experience. These data, *i.e.*, production hours and output, are used to calculate the labor factor, not the number of workers. Furthermore, the fact that Lu Dong hires workers on a temporary basis based on demand for chrome-plated lug nuts appears to indicate that Lu Dong would not maintain supplemental workers not already accounted for in the production records reviewed at verification.

Comment 7: Petitioner argues that the number of machines reported in the response is inconsistent with that in the verification report, and that, the Department should use the highest of the two numbers.

Respondent argues that the number of machines reported in the verification report is correct.

DOC Position: The actual number of machines used to produce the subject merchandise is not pertinent for calculating constructed value using the factors of production methodology. In our constructed value of calculations, we include an amount for factory overhead which is expressed as a percentage of total materials, labor, and energy costs, as experienced by Pakistani producers. We consider this percentage to reflect an amount for depreciation of machines and equipment.

Comment 8: Petitioner notes that the Department did not verify what equipment is used in the production of two-piece lug nuts.

Respondent argues that, with respect to the equipment used for two-piece lug nuts, the Department verified that the same equipment is used as for one-piece lug nuts.

DOC Position: See, DOC Position to Comment 7.

Comment 9: Petitioner argues that Lu Dong's consumption of steel increased when input was compared to actual production rather than planned production. Petitioner maintains that this method does not fully account for

steel waste and rejected lug nuts. Petitioner contends that the only accurate approach to determine the amount of steel used in the production process is to divide total steel used by pieces packed.

Aside from methodology, petitioner also argues that the total amount of steel purchased from April through September 1990, significantly exceeds the figures provided in the response. Petitioner contends that the amount reported in the response may reflect planned usage, while actual usage does not reflect beginning or ending inventory.

Respondent argues that the methodology used by Lu Dong to calculate steel consumption accurately reflects waste and rejects. In addition, respondent argues that, with respect to petitioner's contention regarding the total amount of steel purchased, the amount reported in the original response did not include the steel purchased from Lu Dong's local suppliers.

DOC Position: As discussed in the FMV section of this notice, we have recalculated Lu Dong's steel consumption to reflect the waste incurred during the production process for each of the 14 selected part numbers. We established at verification that the difference between the number of pieces produced and the number of pieces packed for each part number represents the amount remaining in inventory. If the Department were to recalculate steel consumption using the number of pieces packed, rather than the number of pieces actually produced, we would not take into account the fact that the pieces held in inventory are later sold from inventory.

Furthermore, the total steel used for finished lug nuts plus the steel discarded as a result of rejects is accounted for when we divide total steel consumed by total lug nuts produced for each part number. Therefore, the number of rejects that results in production if not relevant when calculating steel consumption on a per-piece basis as it is already accounted for above.

With respect to petitioner's argument regarding total steel purchased, we have calculated steel consumption for a selected number of lug nuts based on the total known quantity of steel input used for that production run. (See, Memorandum to File from Gary Bettger and Susan Strumbel dated March 19, 1991 on file in the Central Records Unit, room B-099, of the Main Commerce Building, for a complete discussion of the criterion applied to select those chrome-plated lug nut models used in our LTFV calculations.) Therefore, the total amount of steel purchased during the POI is not relevant to our calculations.

Comment 10: Petitioner argues that the Department should not make an adjustment for scrap based on only one invoice provided by respondent at verification.

Respondent argues it is clear from verification that Lu Dong sold its scrap for reasons of economic efficiency.

DOC Position: At verification, we requested a sample invoice to illustrate Lu Dong's sale of steel scrap. The Department considers this invoice, dated during the POI, to be a representative sample of the sale of scrap made by Lu Dong during the POI. Therefore, we have made an adjustment for scrap.

Comment 11: Petitioner argues that it is unclear how Lu Dong determined the amount of chemicals used in the production of chrome-plated lug nuts because chemicals may not be used in the same month that they are purchased.

DOC Position: At verification, we determined that Lu Dong's allocation methodology was an accurate measure of the chemicals used for the production of chrome-plated lug nuts during the POI.

Comment 12: Petitioner argues that in the case of two-piece lug nuts, no material factor information was submitted for verification. Accordingly, the Department must use the best information available as presented in the petition.

Respondent contends that Lu Dong's production processes for both one-piece and two-piece lug nuts are the same. Furthermore, the technical processes are very similar and the factors of production are the same except for sheet plates used in producing the cap of the two-piece lug nut.

DOC Position: During verification, it is the Department's practice to select only a certain number of items to verify. Due to time constraints, the Department often is unable to complete the review of source documentation for all selected items. Nevertheless, if the Department's verification team establishes the integrity of the source documents for those sales that it does review, then it assumes that source documents for the remaining sales are similarly reliable. In this instance, because the Department confirmed the integrity of Lu Dong's reported material input data pertaining to one-piece chrome-plated lug nuts, we are also accepting the validity of the material input data reported for two-piece chrome-plated lug nuts.

Comment 13: Respondent argues that the Department must verify value information provided by the surrogate country for factors of production.

Petitioner asserts that the law does not require verification of factors of production in a surrogate country.

DOC Position: We agree with petitioner. It is not the Department's practice to verify information provided by the surrogate country in investigations involving NME countries (e.g., see, Final Results of Antidumping Administrative Review: Tapered Roller Bearings and Parts Thereof, Finished or Unfinished from the Republic of Hungary (56 FR 41819); Final Determination of Sales at Less than Fair Value: Sparklers from the People's Republic of China (56 FR 20589)). We requested and received public information from the U.S. Consulate in Karachi regarding a Pakistani producer of hub nuts. We consider the U.S. Consulate to be an accurate source of data. Therefore, we have used these data to value Lu Dong's factors of production that were not found to be free of state control.

Comment 14: Respondent maintains that the Department did not include in its freight calculation the distance for the supplier of sheet steel. Respondent argues that the calculation of freight cost for steel should be based on an average distance for supplying both hexagonal-shaped leaded steel and sheet steel.

Petitioner agrees that actual distances should be used, but, if averaged, the average should be weighted to reflect actual shipments. In addition, petitioner argues that the costs of moving hazardous chemicals are higher than those for moving steel.

DOC Position: We have revised freight costs to reflect the weighted-average distance for all suppliers of steel. Based on the information provided by the U.S. Consulate in Karachi, there is no difference between the freight rate applied to chemicals and that applied to steel.

Comment 15: Respondent argues that the Department used an incorrect methodology to calculate the value of the sheet plate used in producing the cap of the two-piece lug nut. Respondent contends that the Department included in its calculations the quantity and value of imports into Pakistan of sheet steel from countries not comparable to the PRC. Respondent argues that the Department should utilize factor costs from a market economy country most comparable to the PRC in terms of economic development, *i.e.*, Brazil and South Korea, respectively.

Petitioner supports the Department's use of aggregate figures and contends that this methodology is reliable, consistent and accurate. Petitioner

maintains that when publicly available data are used, one measure of its reliability is the fact that the average price is used. Petitioner argues that an aggregate price is the most representative and will reflect the lowest costs during the appropriate period of time.

DOC Position: By using an aggregate, the Department captures the average price paid by the surrogate for imports, rather than a price that reflects the import price from an individual country. This more accurately reflects the cost of sheet steel into Pakistan, the surrogate country most comparable to the PRC.

Suspension of Liquidation

We are directing the U.S. Customs Service to continue to suspend liquidation on entries from CMEC Jiangsu and all other manfaucturers, producers, and exporters of chrome-plated lug nuts as defined in the "Scope of Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after the data of publication of this notice in the **Federal Register**. The U.S. Customs Service shall require a cash deposit equal to the estimated amount by which the foreign market value of chrome-plated lug nuts exceeds the United States price as shown below. This suspension of liquidation will remain in effect until further notice.

Manufacturer/producer/exporter	Weighted-average margin percentage
CMEC Jiangsu and all other manufacturers, producers and exporters	4.24

ITC Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided that the ITC confirms in writing that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Investigations, Import Administration.

This determination is published pursuant to section 735(d) of the Act (19 U.S.C 1673d(d)) and 19 CFR 353.20(a)(4).

Dated: September 3, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-21699 Filed 9-9-91; 8:45 am]

BILLING CODE 3510-DS-M

National Institute of Standards and Technology

Malcolm Baldrige National Quality Award's Panel of Judges

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of partially closed meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app., notice is hereby given that the Panel of Judges of the Malcolm Baldrige National Quality Award will meet on Wednesday, October 2, 1991, from 10 a.m. to 5:30 p.m.; on Thursday, October 3, 1991, from 8 a.m. to 5:30 p.m.; and on Friday, October 4, 1991, from 8 a.m. to 2 p.m. The Panel of Judges is composed of nine members prominent in the field of quality management and appointed by the Director of the National Institute of Standards and Technology.

DATES: The meeting will convene October 2, 1991, at 10 a.m. and adjourn at 5:30 p.m. on October 4, 1991. The meeting will be closed on October 2 from 10 a.m. to 5:30 p.m. and on October 3 from 8 a.m. to 5:30 p.m. The meeting will be open to the public on October 4 from 8 a.m. to 2 p.m.

ADDRESSES: The meeting will be held at the National Institute of Standards and Technology, Administration Building, Gaithersburg, Maryland 20899.

FOR FURTHER INFORMATION CONTACT: Dr. Curt W. Reimann, Director for Quality Programs, National Institute of Standards and Technology, Gaithersburg, Maryland 20899, telephone number (301) 975-2036.

SUPPLEMENTARY INFORMATION: The purpose of the meeting on October 2-3, 1991, is to review site visit reports and to process related reports on the 1991 feedback and on the small business site visits, and will involve review of individual proposals. The discussion on October 2-3, 1991, beginning at 10 a.m. on October 2, 1991, and ending at 5:30 p.m. on October 3, 1991, will be closed. The purpose of the meeting on October 4, 1991, is to review the July 25-26, 1991, minutes; discuss the roles of the National Institute of Standards and Technology and the Panel of Judges; begin planning for 1992 with discussions on Examiner software, technology transfer, Examiner selection process, estimate of applicants for 1992, and the application guidelines; new business; review of action items; and plan the agenda for the February meeting.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on May 11, 1990, that the meeting of the Panel of Judges will be closed pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. app. 2, as amended by section 5(c) of the Government in the Sunshine Act, Public Law 94-409. The meeting, which involves examination of records and discussion of Award applicant data, may be closed to the public in accordance with section 552b(c)(4) of title 5, United States Code, since the meeting is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential.

Dated: September 4, 1991.

John Lyons,

Director.

[FR Doc. 91-21623 Filed 9-9-91; 8:45 am]

BILLING CODE 3510-13-M

Improving Acceptance of U.S. Products in International Markets; Opportunity for Interested Parties To Attend and Observe

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of workshop.

SUMMARY: This is to advise the public that the National Institute of Standards and Technology (NIST) is cosponsoring a Wood Products Workshop with the National Forest Products Association, the American Plywood Association, and the American Lumber Standards Committee. This is the third in a series of workshops designed to gather information, insights, and comments to determine conformity assessment related activities (testing, certification, accreditation, quality assessment, etc.) in which the U.S. Government can assist U.S. industry in gaining product acceptance within other markets such as the European Community (EC). Suggestions for future workshops are invited.

DATES: The workshop will be held on November 6, 1991, at 9:30 a.m. in room 4830, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. The request to attend and observe the workshop should be received by October 18, 1991.

FOR FURTHER INFORMATION CONTACT: Dr. Stanley I. Warshaw, Director, Office of Standards Services, National Institute of Standards and Technology, Administration Building, room A–603, Gaithersburg, MD 20899; Telephone 301–975–4000, FAX 301–963–2871.

ADDRESS: The workshop will be held in room 4830, the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: Consistent with the growing importance of international standardization and conformity assessment to the United States, NIST is cosponsoring a Wood Products Workshop with the National Forest Products Association, the American Plywood Association, and the American Lumber Standards Committee to solicit views and recommendations on how the U.S. Government can assist this sector of U.S. industry in gaining product acceptance within international markets such as the EC.

Tentative topics for discussion at the workshop are listed below. Sponsors of individual workshops may identify specific issues focused on their sectors.

1. Which EC requirements for conformity assessment are applicable to your sector?
2. Do the European regional standards (i.e. CEN standards for lumber, plywood, particleboard and other forest products) or international standards (i.e. ISO) that apply to your sector differ from U.S. standards?
3. To what extent do you feel that U.S. conformity assessment systems relating to your sector are adequate for acceptance of test data or other attestations of conformity by the EC member states?
4. Would your sector benefit from developing mutual recognition agreements between U.S. laboratories or product certifiers and their EC counterparts?
5. How can the U.S. Government better utilize private sector input when developing official positions with regard to possible negotiations with the EC for your sector for regulated products?
6. Should "CE" marks of conformity be made acceptable in the U.S. marketplace? What are the liability implications of such acceptance?
7. Does your sector need a recognizable mark of conformity? Is a U.S. mark needed?

The workshop will be held on Wednesday, November 6th, 1991 at 9:30 a.m. in room 4830, the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. To guarantee space, persons who wish to attend and observe the workshop should submit a notice in writing to Dr. Stanley I. Warshaw, Director, Office of Standards Services, National Institute of Standards and Technology, Administration Building, Room A–603, Gaithersburg, MD 20899, FAX 301–963–2871. Requests should contain the person's name, address, telephone and facsimile numbers, and affiliations. Requests should be received by October 18, 1991.

Dated: September 4, 1991.

John W. Lyons,

Director.

[FR Doc. 91–21624 Filed 9–9–91; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Consolidation and Conversion of Defense Research and Development Laboratories Advisory Commission; Meeting

AGENCY: Department of Defense (DoD) Advisory Commission on Consolidation and Conversion of Defense Research and Development Laboratories.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of Public Law 92–463, the "Federal Advisory Committee Act," notice is hereby given that the Federal Advisory Commission on Consolidation and Conversion of Defense Research and Development Laboratories will hold its next two meetings on September 11–12, and September 23, 1991, in suite 201 of the AT&T Federal Systems-Government Networks Facility at 1919 South Eads St., Arlington, VA 22022. These meetings will be closed to the public.

The purpose of these meetings is to discuss technological factors involved in developing recommendations to the Secretary of Defense on consolidating, converting, or realigning various laboratories of the Department of Defense. The agenda for each of these two meetings will consist of discussions of issues related to future military research and technology development. These matters constitute classified information that is specifically authorized by Executive Order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive Order. Accordingly, the Director of Defense Research and Engineering has determined, in writing, that the public interest requires that these meetings be closed to the public because this session will be concerned with matters listed in section 552(c)(1) of title 5, United States Code.

This Notice of the September 11–12, and September 23, 1991 meetings of the Commission is being published late due to the need to accelerate the schedule to meet the reporting dates mandated in section 246 of the National Defense Authorization Act for 1991. Operational necessity constitutes an exceptional circumstance not allowing notice to be published in the **Federal Register** at least 15 days before the dates of these meetings.

For further information concerning this meeting, contact: Dr. Michael Heeb; Executive Secretary to the DoD Advisory Commission on Consolidation and Conversion of Defense Research and Development Laboratories; Office of the Director of Defense Research and Engineering; Washington, DC 20301–3030; Phone: (703) 614–0205.

Dated: September 4, 1991.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91–21555 Filed 9–9–91; 8:45 am]

BILLING CODE 3810–01–M

Strategic Defense Initiative Advisory Committee (SDIAC)

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The SDIAC will meet in closed session in Washington, DC, on September 18–19, 1991.

The mission of the SDIAC is to advise the Secretary of Defense and the Director, Strategic Defense Initiative Organization on scientific and technical matters as they affect the perceived needs of the Department of Defense. At the meetings on September 18–19, 1991, the committee will discuss the status of the architecture Integration Study, DSB/DPB Findings, Limited Operational Capability Plans, Third World Threat Publication, and W71 Retirement.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law No. 92–463, as amended (5 U.S.C. app II, (1982)), it has been determined that this SDIAC meeting concerns matters listed in 5 U.S.C. 552 (c)(1) (1982), and that accordingly this meeting will be closed to the public.

Dated: September 5, 1991.

Linda, M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91–21633 Filed 9–9–91; 8:45 am]

BILLING CODE 3810–01–M

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, October 1, 1991; Tuesday, October 8, 1991; Tuesday, October 15, 1991; Tuesday, October 22, 1991; and Tuesday, October 29, 1991, at 10 a.m. in room 1E801, The Pentagon, Washington, DC.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Force Management and Personnel) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Public Law 93-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b.(c) (2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b.(c) (4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy/Equal Opportunity) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b.(c) (2)), and the detailed wage data considered were obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b(c) (4)).

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, room 3D265, The Pentagon, Washington, DC 20301.

Dated: September 4, 1991.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91-21556 Filed 9-9-91; 8:45 am]

BILLING CODE 3810-01-M

Defense Advisory Committee on Women in the Services; Meeting

AGENCY: Defense Advisory Committee on Women in the Services (DACOWITS).

ACTION: Notice of conference.

SUMMARY: Pursuant to Public Law 92-463, notice is hereby given of a forthcoming conference of the Defense Advisory Committee on Women in the Services (DACOWITS). The purpose of DACOWITS is to advise the Secretary of Defense on matters relating to women in the Services. The Committee meets semiannually.

DATES: October 20-23, 1991 (summarized agenda follows).

ADDRESSES: Doral Ocean Beach Resort, 4833 Collins Avenue, Miami Beach, Florida, unless otherwise noted in agenda.

AGENDA: Sessions will be conducted daily and will be open to the public. The agenda will include the following:

Sunday, October 20, 1991, 8 a.m.-7:30 p.m.

Conference Registration (Former Members and Conference Participants); Briefings: Progress and Implementation of Force Restructuring Plans, Progress of Improvements to Women's Uniforms, Status of AR 600-XX, Pregnancy and Lost Time Study; Get Acquainted Breakfast (Current DACOWITS Members Only); Get Acquainted Luncheon (DACOWITS, Military Representatives, Legal Advisors, and Liaison Officers Only); Subcommittee Sessions; and Social * * *.

Monday, October 21, 1991, 8 a.m-10 p.m.

Official Opening Ceremony; Presentations from the Public; Subcommittee Sessions; OSD Luncheon (By Invitation Only); Subcommittee Sessions; OSD Reception and Dinner (By Invitation Only).

Tuesday, October 22, 1991, 7:15 a.m.-8 p.m.

Field trip to U.S. Coast Guard Base, Miami Beach (By Invitation Only), and Executive Committee Session.

Wednesday, October 23, 1991, 7:30 a.m.-12:45 p.m.

No-host Breakfast (Current DACOWITS Members Only); Individual Review of Resolutions; General Business Session; Luncheon Honoring 1992 DACOWITS Chair.

FOR FURTHER INFORMATION CONTACT: Captain Branda M. Weidner, Assistant Director, DACOWITS and Military Women Matters, OASD (Force Management and Personnel), The Pentagon, room 3D769, Washington, DC 20301-4000; telephone (703) 697-2122.

SUPPLEMENTARY INFORMATION: The following rules and regulations will govern the participation by member of the public at the conference.

(1) Members of the public will not be permitted to attend official OSD luncheon, field trip, or OSD reception and dinner.

(2) All business sessions will be open to the public.

(3) Interested persons may submit a written statement for consideration by the Committee and/or make an oral presentation of such during the conference.

(4) Persons desiring to make an oral presentation or submit a written statement to the Committee must notify the point of contact listed above no later than September 27.

(5) Length and number of oral presentations to be made will depend on the number of requests received from members of the public.

(6) Oral presentations by members of the public will be permitted only on Monday, October 21, before the full Committee.

(7) Each person desiring to make an oral presentation must provide the DACOWITS office 1 copy of the presentation by October 4, and make available 200 copies of any material that is intended for distribution at the conference.

(8) Persons submitting a written statement for inclusion in the minutes of the conference must submit to the DACOWITS staff one copy either before or by the close of the conference.

(9) Other new items from members of the public may be presented in writing to any DACOWITS member for transmittal to the DACOWITS Chair or Director, DACOWITS and Military Women Matters, to consider.

(10) Members of the public will not be permitted to enter into oral discussion conducted by the Committee members at any of the sessions; however, they will be permitted to reply to questions directed to them by the members of the Committee.

(11) Members of the public will be permitted to orally question the scheduled speakers if recognized by the Chair and if time allows after the official

participants have asked questions and/or made comments.

(12) Questions from the public will not be accepted during the Subcommittee Sessions, the Executive Committee Session, or the General Business Session. Sessions will be conducted daily and will be open to the public.

Dated: September 4, 1991.

Linda Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91-21557 Filed 9-9-91; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Privacy Act of 1974; New System of Records Notice

AGENCY: Department of the Army, DOD.

ACTION: Addition of one new system of records.

SUMMARY: The Department of the Army proposes to add one new system of records to its existing inventory of record systems notices subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a). The system notice for the new system is set forth below.

DATES: The new systems will be effective October 10, 1991, unless comments are received which would result in a contrary determination.

ADDRESSES: Send comments to Mrs. Alma A. Lopez, U.S. Army Information Systems Command, ATTN: ASOP-MP, Fort Huachuca, AZ 85613-5000.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, as amended, (5 U.S.C. 522a), have been published in the Federal Register as follows.

50 FR 22090, May 29, 1985 (DoD Compilation, changes follow)
51 FR 23576, Jun. 30, 1986
51 FR 30900, Aug. 29, 1986
51 FR 40479, Nov. 7, 1986
51 FR 44361, Dec. 9, 1986
52 FR 11847, Apr 13, 1987
52 FR 18798, May 19, 1987
52 FR 25905, Jul. 9, 1987
52 FR 32329, Aug. 27, 1987
52 FR 43932, Nov. 17, 1987
53 FR 12971, Apr. 20, 1988
53 FR 16575, May 10, 1988
53 FR 21509, Jun. 8, 1988
53 FR 28247, Jul. 27, 1988
53 FR 28249, Jul. 27, 1988
53 FR 28430, Jul. 28, 1988
53 FR 34576, Sep. 7, 1988
53 FR 49586, Dec. 6, 1988
53 FR 51580, Dec. 22, 1988
54 FR 10034, Mar. 9, 1989
54 FR 11790, Mar. 22, 1989
54 FR 14835, Apr. 13, 1989
54 FR 46965, Nov. 8, 1989
54 FR 50268, Dec. 5, 1989
55 FR 13935, Apr. 13, 1990
55 FR 21897, May 30, 1990 (Army Address Directory)
55 FR 41743, Oct. 15, 1990
55 FR 46707, Nov. 6, 1990
55 FR 46708, Nov. 6, 1990
55 FR 48671, Nov. 21, 1990 (Army System ID Changes)
55 FR 48678, Nov. 21, 1990
56 FR 7018, Feb. 21, 1991
56 FR 15593, Apr. 17, 1991
56 FR 21134, May 7, 1991
56 FR 27949, Jun. 18, 1991

The new systems reports, as required by 5 U.S.C. 522a(r) of the Privacy Act, was submitted on August 26, 1991, to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget (OMB) pursuant to paragraph 4b of Appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated December 12, 1985 (50 FR 52738, December 24, 1985).

Dated: September 4, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0600USAREUR

SYSTEM NAME:

USAREUR Community Automation System (UCAS).

SYSTEM LOCATION:

Each USAREUR community, United States Army, Europe and Seventh Army (USAREUR), APO New York 09403-0007.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Army, Europe and Seventh Army military and civilian members and their dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, command and unit of assignment, military occupational skill, sex, date of birth, date eligible to return from overseas, basic active service date, pay entry basic date, expiration term of service, date of rank, rank/grade, promotion status, citizenship, marital status, spouse's Social Security Number (for military spouse), insurance and beneficiary data for Department of Defense For 93 (Record of Emergency Data) and Veteran's Administration Form 29-8286 (Serviceman's Group Life Insurance Election) completion in an automated format (DD Form 93-E and SGLV Form 8286-E), address, work and home telephone numbers, type of tour, dependent status and relationships, marriage data, type and date of cost of living allowance, port call date, departure date and order number, exceptional family member status, household goods/hold baggage, vehicle-shipment dates/ destinations/weights.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and Executive Order 9397.

PURPOSE(S):

The primary purpose of UCAS is to provide a central database containing all information required to in-process or out-process individuals within a USAREUR community. This data base is shared among five community work centers that need information on arriving and departing personnel. These work centers, the Central Processing Facility, Personnel Services Company, Finance Office, Housing Office and the Transportation Office, have access to certain portions of the UCAS data base. Data base information updates made by each work center are shared by all work centers that need the information. The centralized data base reduces in-processing and out-processing time since individuals no longer need to furnish the same information at each work centers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The "Blanket Routine Uses" set forth at the beginning of the Army's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes and discs; computer printouts.

RETRIEVABILITY:

By Social Security Number, name, or other individual or group identifier.

SAFEGUARDS:

Physical security devices, computer hardware and software security features, and personnel clearances for individuals working with the system. Automated media and equipment are protected by controlled access to computer rooms.

RETENTION AND DISPOSAL:

Information is destroyed 30 days after individual's tour of duty with that community ends.

SYSTEM MANAGER(S) AND ADDRESS:

Commander-in-Chief, United States Army, Europe and Seventh Army, ATTN: AEAIM-AR-AR, APO New York 09403-0007.

NOTIFICATION PROCEDURES:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Commander-in-Chief, United States Army, Europe and Seventh Army, ATTN: AEAIM-AR-AR, APO New York 09403-0007.

Individuals should provide sufficient details to permit locating pertinent records, such as full name, Social Security Number, and current address. Request must be signed by individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records themselves contained in this record about system should address written inquiries to the Commander-in-Chief, United States Army, Europe and Seventh Army, ATTN: AEAIM-AR-AR, APO New York 09403-0007.

Individual should provide sufficient details to permit locating pertinent records, such as full name, Social Security Number, and current address. Request must be signed by individual.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial determinations are contained in Army Regulation 340-21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; Army records, reports and other official documents; Army Standard Automated Management Information Systems.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 91-21558 Filed 9-9-91; 8:45 am]

BILLING CODE 3810-01

Defense Contract Audit Agency

Privacy Act of 1974; Amendment

AGENCY: Defense Contract Audit Agency, DOD.

ACTION: Amend DCAA Address Directory.

SUMMARY: The Defense Contract Audit Agency (DCAA) is amending the DCAA Address Directory for addresses identified in the appendix of its record systems subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a). The Directory, as amended, is published below.

EFFECTIVE DATE: October 1, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Dave Henshall, ATTN: CMR, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304-6178. Telephone (703) 274-4400.

SUPPLEMENTARY INFORMATION: The Defense Contract Audit Agency record systems notices, as prescribed by the Privacy Act of 1974 (5 U.S.C. 552a), have been published in the **Federal Register** as follows:

50 FR 22884, May 29, 1985 (DoD Compilation changes follow)
50 FR 50339, Dec. 10, 1985
50 FR 52993, Dec. 27, 1985
51 FR 18017, May 16, 1986
54 FR 37360, Sept. 8, 1989
54 FR 43316, Oct. 24, 1989
54 FR 46756, Nov. 7, 1989
55 FR 6818, Feb. 27, 1990
55 FR 21917, May 30, 1990 (DCAA Address Directory)
55 FR 36847, Sept. 7, 1990
55 FR 40004, Oct. 1, 1990
56 FR 23880, May 24, 1991

Dated: September 5, 1991.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Defense Contract Audit Agency Offices

(Alphabetically by State and City)

California

DCAA Western Regional Office, Attention: RCI-4, 16700 Valley View Avenue, Suite 300, La Mirada, CA 90638-5830.

Georgia

DCAA Eastern Regional Office, Attention: RCI-1, 2400 Lake Park Drive, Suite 300, Smyrna, GA 30080-7644.

Massachusetts

DCAA Northeastern Regional Office, Attention: RCI-2, 83 Hartwell Avenue, Lexington, MA 02173-3163.

Pennsylvania

DCAA Mid-Atlantic Regional Office, Attention: RCI-6, 600 Arch Street , Room 4400, Philadelphia, PA 19106-1604.

Texas

DCAA Central Regional Office, Attention: RCI-3, 106 Decker Court, Suite 300, Irving, TX 75062-2795.

Virginia

DCAA Headquarters, Attention: CMR, Cameron Station, Alexandria, VA 22304-6178.

[FR Doc. 91-21635 Filed 9-9-91; 8:45 am]

BILLING CODE 3810-01-M

Defense Investigative Service

Privacy Act of 1974; Amendments to Systems of Records Notices

AGENCY: Defense Investigative Service, DOD.

ACTION: Amendments to systems of records.

SUMMARY: The Defense Investigative Service proposes to amend two record system notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The proposed actions will be effective October 10, 1991, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to Mr. Dale Hartig, Chief Office of Information and Public Affairs, Defense Investigative Service, 1900 Half Street, SW., Room 6115, Washington, DC 20324-1700. Telephone (202) 475-1062.

SUPPLEMENTARY INFORMATION: The complete Defense Investigative Service systems of records notices inventory subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, has been published in the **Federal Register** at

50 FR 22943, May 29, 1985 (DoD Compilation, changes follow)
55 FR 22390, Jun. 1, 1990
56 FR 12716, Mar. 27, 1991

The amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), which requires the submission of altered systems reports. The specific changes to the notices being amended are set forth below followed by the system notices, as amended, published in their entirety.

Dated: September 5, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

SYSTEM NAME:

Inspector General Complaints (50 FR 22945, May 29, 1985).

CHANGES:

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with "Past and present employees of DIS and individuals who have made a complaint or are the subject of a complaint; or whose request for action, assistance or information has been referred to the Inspector General."

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete the entry and replace with "Documents relating to the organization,

planning and execution of internal/external investigations, records created as a result of investigations conducted by the Office of the Inspector General including reports of investigations, records of action taken and supporting papers. Files may include documents which have been provided by individual complainants or by others. These records include investigations of both organizational elements and individuals."

* * * * *

PURPOSES:

Delete entry and replace with "Information in the system is collected to resolve a complaint, redress a problem or provide assistance, correct records, take or recommend disciplinary action, reevaluate or rescind previous actions or decisions, conduct or recommend formal investigations or inquiries, provide assistance or guidelines in following prescribed procedures for specific problems, and provide advice on how to obtain exception to policy.

* * * * *

STORAGE:

Add "and computerized log." to the end of the entry.

RETRIEVABILITY:

Delete entry and replace with "Paper records are filed by subject matter and case/accession number. Electronic records are filed by case/accession number."

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with "Records are temporary and are destroyed two years after final action. Paper records are destroyed by shredding or burning. Electronic records are erased or overwritten."

* * * * *

NOTIFICATION PROCEDURES:

Delete the entry and replace with "Individuals seeking to determine whether information about themselves is contained in this system of records should address written requests to the Defense Investigative Service, Privacy Act Office, P.O. Box 1211, Baltimore, MD 21203–1211."

RECORDS ACCESS PROCEDURES:

Delete the entry and replace with "Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Defense Initiative Service, Privacy Act Office, P.O. Box 1211, Baltimore, MD 21203–1211.

A request for information must contain the full name of the subject individual.

Personal visits will require a valid driver's license or other picture identification and are limited to the Privacy Act office."

CONTESTING RECORD PROCEDURES:

Delete the entry and replace with "The agency's rules for accessing records, contesting contents, and appealing initial determinations by the individual concerned are contained in DIS Regulation 28–4, Access to and Maintenance of DIS Personal Records; 32 CFR part 298a; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1900 Half Street, SW., Washington, DC 20324–1700."

* * * * *

V2–01

SYSTEM NAME:

Inspector General Complaints.

SYSTEM LOCATION:

Defense Investigative Service, Inspector General, 1900 Half Street, SW., Washington, DC 20324–1700.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and present employees of DIS and individuals who have made a complaint, or are the subject of a complaint; or whose request for action, assistance or information has been referred to the Inspector General.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to the organization, planning and execution of internal/external investigations, records created as a result of investigations conducted by the Office of the Inspector General including reports of investigations, records of action taken and supporting papers. Files may include documents which have been provided by individual complainants or by others. These records include investigations of both organizational elements and individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations, DoD Directive 5105.42, Defense Investigative Service; DoD Directive 5200.26, Defense Investigative Program.

PURPOSES:

Information in the system is collected to resolve a complaint, redress a problem or provide assistance, correct records, take or recommend disciplinary action, reevaluate or rescind previous actions or decisions, conduct or recommend formal investigations or inquiries, provide assistance or guidelines in following prescribed procedures for specific problems, provide advice on how to obtain exception to policy, and to inform the Director of DIS on activities of the Office of the Inspector General.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The "Blanket Routine Uses" published at the beginning of Defense Investigative Service's compilation of system of record notices apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and computerized log.

RETRIEVABILITY:

Paper records are filed by subject matter and case/accession number. Electronic records are filed by case/accession numbers.

SAFEGUARDS:

Files are contained in security containers accessible only to the Inspector General staff. Information from this record system is made available only to authorized personnel.

RETENTION AND DISPOSAL:

Records are temporary and are destroyed two years after final action. Paper records are destroyed by shredding or burning. Electronic records are erased or overwritten.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Defense Investigative Service, Inspector General, 1900 Half Street, SW., Washington, DC 20324–1700.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Defense Investigative Service, Privacy Act Office, P.O. Box 1211, Baltimore, MD 21203–1211.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Defense Investigative Service, Privacy Act

Office, P.O. Box 1211, Baltimore, MD 21203–1211.

A request for information must contain the full name of the subject individual.

Personal visits will require a valid driver's license or other picture identification and are limited to the Privacy Act office.

CONTESTING RECORD PROCEDURES:

The agency's rules for accessing records, contesting contents, and appealing initial determinations by the individual concerned are contained in DIS Regulation 28–4, Access to and Maintenance of DIS Personal Records; 32 CFR part 298a; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1900 Half Street, SW., Washington, DC 20324–1700.

RECORD SOURCE CATEGORIES:

Personal interviews; DIS personnel office; consolidated civilian personnel offices; DIS comptroller; military personnel offices, finance offices, and medical record repositories; DIS investigative files.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

V3–01

SYSTEM NAME:

EEO Complaints (50 FR 22945, May 29, 1985).

CHANGES:

SYSTEM NAME:

Add "and Affirmative Employment Program Plans." to the end of the entry.

SYSTEM LOCATION:

In the second line, change "Chief" to "Director." In the third line, after "Opportunity" add "Policy."

Delete the second paragraph and replace with "Decentralized segments may be contacted through agency personnel offices located at Defense Investigative Service, Headquarters Personnel Office, 1900 Half Street, SW., Washington, DC 20324–1700.

Defense Investigative Service, Personnel Investigations Center Personnel Office, P.O. Box 12211, Baltimore, MD 21203–1211.

Defense Investigative Service, Defense Industrial Security Clearance Office, Personnel Office, P.O. Box 2499, Columbus, OH 43216–2499.

Defense Investigative Service, New England Region Personnel Office, 495 Summer Street, Boston, MA 02210–2192.

Defense Investigative Service, Mid-Atlantic Region Personnel Office, 1040 Kings Highway North, Cherry Hill, NJ 08034–1908.

Defense Investigative Service, Capital Region Personnel Office, 2461 Eisenhower Avenue, Room 752, Alexandria, VA 22331–1000.

Defense Investigative Service, Mid-Western Region Personnel Office, 610 South Canal Street, Room 908, Chicago, IL 60607–4577.

Defense Investigative Service, Southeastern Region Personnel Office, 2300 Lake Park Drive, Suite 250, Smyrna, GA 30080–7606.

Defense Investigative Service, Southwestern Region Personnel Office, 106 Decker Court, Suite 200, Irving, TX 75062–2795.

Defense Investigative Service, Northwestern Region Personnel Office, Building 35, Room 114, The Presidio, San Francisco, CA 94129–7700.

Defense Investigative Service, Pacific Region Personnel Office, 3605 Long Beach Boulevard, Suite 405, Long Beach, CA 90807–4013."

CATEGORIES OF RECORDS IN THE SYSTEM:

In line five insert "Special Emphasis Program Council (SEPC) planning activities,". Revise line six to end of paragraph to read "* * * Opportunity Commission mandates and decisions, court decisions, legislative mandates."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with "29 CFR part 1613; Federal Personnel Manual 713; DoD 1440.1–R, Department of Defense Civilian Equal Employment Opportunity Program; DIS Regulation 08–10, Defense Investigative Service Civilian Equal Employment Opportunity Program; Equal Employment Opportunity Commission Dir MD–107."

PURPOSES:

Delete entry and replace with "To adjudicate discrimination complaints based on the record, which often include the development of settlement agreements; prepare Affirmative Employment Program plans for the agency; identify and analyze problem barriers relative to equal opportunity in the workplace; perform work force analyses in relation to equal opportunity on all employment practices such as hiring, recruitment, promotion, training, awards, separations, and disciplinary actions to include adverse actions; analyze, develop and evaluate the results of affirmative employment action items; establish agency equal opportunity policy."

* * * * *

RETRIEVABILITY:

In the first and second line delete 'by alphabetical last" and substitute "alphabetically by last".

SAFEGUARDS:

In the second line, delete "(combination lock)". In line two, insert a period (.) after "cabinets."

Delete lines three and four and replace with "Access is restricted to authorized personnel."

RETENTION AND DISPOSAL:

Delete the entry and replace with "Records are considered to be temporary. A select few, based on historical significance, may be determined to be permanent. Official discrimination complaint case files are destroyed four years after resolution of a complaint. Affirmative employment plans and reports of on-site reviews are destroyed five years from the date of the adoption of the plan."

SYSTEM MANAGER:

In first line, delete "Chief," and substitute "Director of Equal Employment Opportunity,"; in line three after "Opportunity" and "Policy."

NOTIFICATION PROCEDURES:

Delete the entry and replace with "Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Defense Investigative Service, Privacy Act Office, P.O. Box 1211, Baltimore, MD 21203–1211."

RECORDS ACCESS PROCEDURES:

Delete the entry and replace with "Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Defense Investigative Service, Privacy Act Office, P.O. Box 1211, Baltimore, MD 21203–1211.

A request for information must contain the full name of the subject individual.

Personal visits will require a valid driver's license or other picture identification and are limited to the Privacy Act Office.

Access to counseling records by individuals concerned may be obtained at the facility where counseling took place."

CONTESTING RECORD PROCEDURES:

Delete the entry and replace with "The agency's rules for accessing records, contesting contents, and appealing initial determinations by the individual concerned are contained in

DIS Regulation 28–4, Access to and Maintenance of DIS Personal Records; 32 CFR part 298a; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1900 Half Street, SW., Washington, DC 20324–1700."

RECORD SOURCE CATEGORIES:

Delete "Civilian."

* * * * *

V3–01

SYSTEM NAME:

EEO Complaints and Affirmative Employment Program Plans.

SYSTEM LOCATION:

Primary system: Defense Investigative Service, Director, Office of Affirmative Action and Equal Opportunity Policy, 1900 Half Street, SW., Washington, DC 20324–1700.

Decentralized segments may be contacted through agency personnel offices located at the Defense Investigative Service, Headquarters Personnel Office, 1900 Half Street, SW., Washington, DC 20324–1700.

Defense Investigative Service, Personnel Investigations Center Personnel Office, P.O. Box 12211, Baltimore, MD 21203–1211.

Defense Investigative Service, Defense Industrial Security Clearance Office, Personnel Office, PO Box 2499, Columbus, OH 43216–2499.

Defense Investigative Service, New England Region Personnel Office, 495 Summer Street, Boston, MA 02210–2192.

Defense Investigative Service, Mid-Atlantic Region Personnel Office, 1040 Kings Highway North, Cherry Hill, NJ 08034–1908

Defense Investigative Service, Captial Region Personnel Office, 2461 Eisenhower Avenue, Room 752, Alexandria, VA 22331–1000.

Defense Investigative Service, Mid-Western Region Personnel Office, 610 South Canal Street, Room 908, Chicago, IL 60607-4577.

Defense Investigative Service, Southeastern Region Personnel Office, 2300 Lake Park Drive, Suite 250, Smyrna, GA 30080–7606.

Defense Investigative Service, Southwestern Region Personnel Office, 106 Decker Court, Suite 200, Irving, TX 75062–2795.

Defense Investigative Service, Northwestern Region Personnel Office, Building 35, Room 114, The Presidio, San Francisco, CA 94129–7700.

Defense Investigative Service, Pacific Region Personnel Office, 3605 Long Beach Boulevard, Suite 405, Long Beach, CA 90807–4013.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DIS employees and applicants for employment who have been counselled by an EEO counselor, and DIS employees and applicants for employment who have filed a complaint of discrimination.

CATEGORIES OF RECORDS IN THE SYSTEM:

Administrative records and investigative files regarding complaints of discrimination, affirmative action plans and statistical analyses of the work force, Special Emphasis Program Council (SEPC) planning activities, Equal Employment Opportunity Commission mandates and decisions, court decisions, legislative mandates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 CFR part 1613; Federal Personnel Manual 713; DoD 1440.1–R, Department of Defense Civilian Equal Employment Opportunity Program; DIS Regulation 08–10, Defense Investigative Service Civilian Equal Employment Opportunity Program; Equal Employment Opportunity Commission Dir MD–107.

PURPOSES:

To adjudicate discrimination complaints based on the record, which often include the development of settlement agreements; prepare Affirmative Employment Program plans for the agency; identify and analyze problem barriers relative to equal opportunity in the workplace; perform work force analyses in relation to equal opportunity on all employment practices such as hiring, recruitment, promotion, training, awards, separations, and disciplinary actions to include adverse actions; analyze, develop and evaluate the results of affirmative employment action items; establish agency equal opportunity policy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The "Blanket Routine Uses" published at the beginning of the Defense Investigative Service's compilation of system of record notices apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Paper records in file folders.

RETRIVEABILITY:

By case number, alphabetically by last name of complainant, and subject.

SAFEGUARDS:

Records are kept in locked file cabinets. Access is restricted to authorized personnel.

RETENTION AND DISPOSAL:

Records are considered to be temporary. A select few, based on historical significance, may be determined to be permanent. Official discrimination complaint case files are destroyed four years after resolution of a complaint. Affirmative employment plans and reports of on site reviews are destroyed five years from the date of the plan.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Defense Investigative Service, Director, Office of Affirmative Action and Equal Opportunity Policy, 1900 Half Street, SW, Washington, DC 20324–1700.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Defense Investigative Service, Privacy Act Office, P.O. Box 1211, Baltimore, MD 21203-1211.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Defense Investigative Service, Privacy Act Office, P.O. Box 1211, Baltimore, MD 21203-1211.

A request for information must contain the full name of the subject individual.

Personal visits will require a valid driver's license or other picture identification and are limited to the Privacy Act Office.

Access to counseling records by individuals concerned may be obtained at the facility where counselling took place.

CONTESTING RECORD PROCEDURES:

The agency's rules for accessing records, contesting contents, and appealing initial determinations by the individual concerned are contained in DIS Regulation 28–4, Access to and Maintenance of DIS Personal Records; 32 CFR part 298a; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1900 Half Street, SW., Washington, DC 20324–1700.

RECORD SOURCE CATEGORIES:

Employees of DIS, applicants for employment, Equal Employment

Opportunity Commission, and Office of Personnel Management.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 91-21636 Filed 9-9-91; 8:45 am]

BILLING CODE 3810-01-M

Department of the Navy

Privacy Act of 1974; Amend Records Systems

AGENCY: Department of the Navy, DOD.

ACTION: Amend Records Systems.

SUMMARY: The Department of the Navy proposes to amend three existing systems of records to its inventory of record systems subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a).

DATES: The proposed action will be effective on October 10, 1991, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to Mrs. Gwendolyn Aitken, Head, PA/FOIA Branch, Office of the Chief of Naval Operations (OP-09B30), Department of the Navy, The Pentagon, Washington, DC 20350-2000. Telephone (703) 614-2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy record system notices for records systems subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a) were published in the **Federal Register** as follows:

51 FR 12908 Apr. 16, 1986
51 FR 18086 May 16, 1986 (DON Compilation changes follow)
51 FR 19884 Jun. 3, 1986
51 FR 30377 Aug. 26, 1986
51 FR 30393 Aug. 26, 1986
51 FR 45931 Dec. 23, 1986
52 FR 2147 Jan. 20, 1987
52 FR 2149 Jan. 20, 1987
52 FR 8500 Mar. 18, 1987
52 FR 15530 Apr. 29, 1987
52 FR 22671 Jun. 15, 1987
52 FR 45846 Dec. 2, 1987
53 FR 17240 May 16, 1988
53 FR 21512 Jun. 8, 1988
53 FR 25363 Jul. 6, 1988
53 FR 39499 Oct. 7, 1988
53 FR 41224 Oct. 20, 1988
54 FR 8322 Feb. 28, 1989
54 FR 14378 Apr. 11, 1989
54 FR 32682 Aug. 9, 1989
54 FR 40160 Sep. 29, 1989
54 FR 41495 Oct. 10, 1989
54 FR 43453 Oct. 25, 1989
54 FR 45781 Oct. 31, 1989
54 FR 48131 Nov. 21, 1989
54 FR 51784 Dec. 18, 1989
54 FR 52976 Dec. 26, 1989
55 FR 21910 May 30, 1990 (Navy Mailing Addresses)
55 FR 37930 Sep. 14, 1990
55 FR 42758 Oct. 23, 1990
55 FR 47508 Nov. 14, 1990
55 FR 48678 Nov. 21, 1990
55 FR 53167 Dec. 27, 1990
56 FR 424 Jan. 4, 1991
56 FR 12721 Mar. 27, 1991
56 FR 27503 Jun. 14, 1991
56 FR 28144 Jun. 19, 1991
56 FR 31394 Jul. 10, 1991 (DOD Updated Indexes)
56 FR 40877 Aug. 16, 1991

The amendments are not within the purview of subsection (r) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a) which requires the submission of altered systems reports. The specific changes to the systems of records are set forth below followed by the systems of records notices published in their entirety, as amended.

Dated: September 5, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N01080-3

System name:

Reserve Automated Diary Interim System (RADIS) (52 FR 2149, January 20, 1987).

Changes:

System name:

Delete entry and replace with "Reserve Command Management Information."

System location:

In line two, delete the words "4400 Dauphine Street" and replace with "13000 Chef Menteur Highway." In line three, delete the zipcode and replace with "70129-1800."

Categories of individuals covered by the system:

Delete entry and replace with "All individuals who are members of the Selected Reserves. Individuals who have responded to Naval Reserve advertising, individuals who are members leaving the active Navy, prior service prospects, non-prior service prospects such as high school and college students throughout the country who may be qualified for enlistment, and those that are recruited into the Naval Reserve Programs."

Categories of records in the system:

Delete entry and replace with "System is comprised of records reflecting information pertaining to the individual's participation in the Reserves and personal information such as name, rank/grade, Social Security Number, current address, medical information pertaining to physical examination, immunizations and physical fitness, and pertinent family information concerning recruitment, classification, assignment, distribution, retention, reenlistment, promotion, advancement, training, education, professional history, experience, performance, qualification retirement and administration within the Selected Reserves."

* * * * *

Purpose(s):

Delete entry and replace with "To provide the Naval Reserve Force and its claimancy with an information system which enhances management and support for all Naval Reserve echelons in the functional areas of manpower, personnel, training, mobilization, readiness, and administration of drilling reservists; and to provide management and support related to the accession of officer and enlisted personnel necessary to sustain manpower levels."

* * * * *

Storage:

Add the following after the first sentence "Archived records are stored on magnetic tape and placed in a vault."

Retrievability:

Delete entry and replace with "Primarily by name, rank/grade or Social Security Number, however, records can be accessed by any file element or any combination thereof."

Safeguards:

Add the following sentence to the beginning of this entry "A combination of passwords and user names is used to restrict user access to those individuals specifically authorized to use terminals."

Retention and disposal:

Delete entry and replace with "Automated recruiting files are retained as long as the individual is a recruit for the Naval Reserve Force. Upon enlistment into the Naval Reserve, files are transferred to the appropriate component and retained as long as the individual is a drilling reservist in the Naval Reserve. Upon retirement or separation from the Naval Reserve, the member's files are transferred to the Naval Reserve Personnel Center, New Orleans, where records are retained in accordance with MAPMIS Manual (period ranges from one month to permanent). Paper documents generated by the system will be retained at local activities for two to four years after which they will be destroyed."

System manager(s) and address:

In line two, delete the words "4400 Dauphine Street" and replace with "13000 Chef Menteur Highway." In line three, delete the zipcode and replace with "70129–1800."

Notification procedure:

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Naval Reserve Force, 13000 Chef Menteur Highway, New Orleans, LA 70129–1800.

Requests should contain full name and Social Security Number and must be signed. Visitors should be able to identify themselves by a commonly recognized evidence of identity."

Record access procedures:

Delete entry and replace with "Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Commander, Naval Reserve Force, 13000 Chef Menteur Highway, New Orleans, LA 70129–1800.

Requests should contain full name and Social Security Number and must be signed. Visitors should be able to identify themselves by a commonly recognized evidence of identity."

Contesting record procedures:

Delete entry and replace with "The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager."

NO1080–3

System name:

Reserve Command Management Information.

System location:

Naval Reserve Force, 13000 Chef Menteur Highway, New Orleans, LA 70129–1800.

Categories of individuals covered by the system:

All individuals who are members of the Selected Reserves. Individuals who have responded to Naval Reserve advertising, individuals who are members leaving the active Navy, prior service prospects, non-prior service prospects such as high school and college students throughout the country who may be qualified for enlistment, and those that are recruited into the Naval Reserve Programs.

Categories of records in the system:

System comprises records reflecting information pertaining to the individual's participation in the Reserves and personal information such as name, rank/grade, Social Security Number, current address, medical information pertaining to physical examination, immunizations and physical fitness, and pertinent family information concerning recruitment, classification, assignment, distribution, retention, reenlistment, promotion, advancement, training, education, professional history, experience, performance, qualification retirement and administration within the Selected Reserves.

Authority for maintenance of the system:

5 U.S.C. 301, Department Regulations and Executive Order 9397.

Purpose(s):

To provide the Naval Reserve Force and its claimancy with an information system which enhances management and support for all Naval Reserve echelons in the functional areas of manpower, personnel, training, mobilization, readiness, and administration or drilling reservists; and to provide management and support related to the accession of officer and enlisted personnel necessary to sustain manpower levels.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The "Blanket Routine Uses" that appear at the beginning of the Department of the Navy's compilation of systems notices apply to this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records are stored on disks and magnetic tapes. Archived records are stored on magnetic tape and placed in a vault. Printed records and other related documents supporting the system are filed in cabinets and stored in authorized areas only.

Retrievability:

Primarily by name, rank/grade or Social Security Number, however, records can be accessed by any file element or any combination thereof.

Safeguards:

A combination of passwords and user names is used to restrict user access to those individuals specifically authorized to use terminals. Within the computer center, controls have been established to distribute computer output over the counter only to authorized users. Output material in the sensitive category will be shredded. Computer files are kept in a secure, continuously manned area and accessible only to authorized computer operators, programmers and distributing personnel who are directed to respond to valid officials requests for data. These accesses are controlled and monitored by the Security System.

Retention and disposal:

Automated recruiting files are retained as long as the individual is a recruit for the Naval Reserve Force. Upon enlistment into the Naval Reserve, files are transferred to the appropriate component and retained as long as the individual is a drilling reservist in the Naval Reserve. Upon retirement or separation from the Naval Reserve, the member's files are transferred to the Naval Reserve Personnel Center, New Orleans, where records are retained in accordance with MAPMIS Manual (period ranges from one month to permanent). Paper documents generated by the system will be retained at local activities for two to four years after which they will be destroyed.

System manager(s) and address:

Commander, Naval Reserve Force, 13000 Chef Menteur Highway, New Orleans, LA 70129–1800.

Notification procedure:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Naval Reserve Force, 13000 Chef Menteur Highway, New Orleans, LA 70129–1800.

Requests should contain full name and Social Security Number and must be signed. Visitors should be able to identify themselves by a commonly recognized evidence of identity.

Record access procedures:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Commander, Naval Reserve Force, 13000 Chef Menteur Highway, New Orleans, LA 70129–1800.

Requests should contain full name and Social Security Number and must be signed. Visitors should be able to

identify themselves by a commonly recognized evidence of identity.

Contesting record procedures:

The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

Record source categories:

Individuals concerned, Commander, Naval Reserve Force, Naval Reserve Personnel Center, and military commands to which the individual is attached.

Exemptions claimed for the system:

None.

N01571-1

System name:

Reserve Financial Management/ Training System (RESFMS) (51 FR 19885, June 3, 1986).

Changes:

* * * * *

System location:

In line two, delete the words "4400 Dauphine Street" and replace with "13000 Chef Menteur Highway." In line three, delete the zipcode and replace with "70129-1800."

* * * * *

Retention and disposal:

Delete entry and replace with "History of ACDUTRA orders are maintained in the system for three years, then put to magnetic tape and stored in a secured area indefinitely. Accounting documents are maintained in the system for six years (current year and five prior years). Paper documents for each year are destroyed one year after the lapse for the earliest appropriation year."

System manager(s) and address:

In line two, delete the words "4400 Dauphine Street" and replace with "13000 Chef Menteur Highway." In line three, delete the zipcode and replace with "70129-1800."

Notification procedure:

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Naval Reserve Force, 13000 Chef Menteur Highway, New Orleans, LA 70129-1800.

Requests should contain full name and Social Security Number and must be signed. Visitors should be able to identify themselves by a commonly recognized evidence of identity."

Record access procedures:

Delete entry and replace with "Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Commander, Naval Reserve Force, 13000 Chef Menteur Highway, New Orleans, LA 70129-1800.

Requests should contain full name and Social Security Number and must be signed. Visitors should be able to identify themselves by a commonly recognized evidence of identity."

Contesting record procedures:

Delete entry and replace with "The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager."

N01571-1

System name:

Reserve Financial Management/ Training System (RESFMS).

System location:

Primary—Naval Reserve Force, 13000 Chef Menteur Highway, New Orleans, LA 70129-1800.

Decentralized segments—Naval Reserve Surface Force, Naval Reserve Air Force and their claimancies.

Categories of individuals covered by the system:

All individuals who are members of the Naval Reserve and those who are recruited into the Naval Reserve Programs.

Categories of records in the system:

System comprises records reflecting information pertaining to reservist's Active Duty for Training (ACDUTRA) and associated personal information such as name/rank/grade, Social Security Number, current address, academic, medical qualifications, schools and training information. The system also contains a Standard Document Number (SDN) which is used to track cost of training, clothing and subsistence that is provided to the reservist.

Authority for maintenance of the system:

5 U.S.C. 301, Departmental Regulations and Executive Order 9397.

Purpose(s):

To write, modify and cancel orders for Naval Reservists performing ACDUTRA; to issue seabags, death benefits paid, per diem, travel, subsistence, drill pay, ACDUTRA and Temporary Active Duty (TEMAC) pay, disability payments, bonuses, school costs and special pay such as flight and sea pay, and to monitor training needs.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The "Blanket Routine Uses" that appear at the beginning of the Department of the Navy's compilation of systems notices apply to this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage:

Automated records are stored on magnetic tapes, disks and drums. Paper record, microfiche, printed reports and other related documents supporting the system are filed in cabinets and stored in authorized areas only.

Retrievability:

Automated records are retrieved by Social Security Number, name and standard document numbers.

Safeguards:

Within the computer center, controls have been established to distribute computer output over the counter only to authorized users. Specific procedures are also in force for the disposal of computer output. Output material in the sensitive category will be shredded. Computer files are kept in a secure, continuously manned area and are accessible only to authorized computer operators, programmers, enlisted management, placement, and distributing personnel who are directed to respond to valid official requests for data. These accesses are controlled and monitored by the Security System.

Retention and disposal:

History of ACDUTRA orders are maintained in the system for three years, then put to magnetic tape and stored in a secured area indefinitely. Accounting documents are maintained in the system for six years (current year and five prior years). Paper documents for each year are destroyed one year

after the lapse for the earliest appropriation year.

System manager(s) and address:

Commander, Naval Reserve Force, 13000 Chef Menteur Highway, New Orleans, LA 70129–1800.

Notification procedure:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Naval Reserve Force, 13000 Chef Menteur Highway, New Orleans, LA 70129–1800.

Requests should contain full name and Social Security Number and must be signed. Visitors should be able to identify themselves by a commonly recognized evidence of identity.

Record access procedures:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Commander, Naval Reserve Force, 13000 Chef Menteur Highway, New Orleans, LA 70129–1800.

Requests should contain full name and Social Security Number and must be signed. Visitors should be able to identify themselves by a commonly recognized evidence of identity.

Contesting record procedures:

The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

Record source categories:

Individuals concerned, disbursing officers, Navy schools, and military command to which the individual is attached.

Exemptions claimed for the system:

None.

N12950–5

System name:

Navy Civilian Personnel Data System (NCPDS) [56 FR 27503, June 14, 1991).

Changes:

* * * * *

Routine Uses:

Add the following prior to the last entry "To representatives of the Equal Employment Opportunity Commission for statistical analysis, processing and adjudication."

N12950–5

System name:

Navy Civilian Personnel Data System (NCPDS).

System location:

Office of Civilian Personnel Management (OCPM) and its field offices; operating civilian personnel offices and Navy commands and management offices; and the Navy Regional Data Automation Center (NARDAC) and its designated contractors. Official mailing addresses are published as an appendix to the Department of the Navy's compilation of systems notices. Included in this notice are those records duplicated for retrievability at a site closer to where the employee works (e.g., in an administrative office of a supervisor's work area).

Categories of individuals covered by the systems:

Department of the Navy civilian employees paid from appropriated and non-appropriated funds and foreign national direct and indirect hire employees.

Categories of records in the system:

The system is comprised of automated and non-automated records describing and identifying the employee (e.g., name, Social Security Number, sex, birth date, minority designator, citizenship, physical handicap code); the position occupied and the employee's qualifications; salary and salary basis or other compensation and allowances; employee's status in relation to the position occupied and the organization to which assigned; tickler dates for impending changes in status; education and training records; previous military status; functional code; previous employment record; performance appraisal and other data needed for screening and selection of an employee; referral records; professional licenses and publications; and reason for position change or other action affecting the employee and case files pertaining to EEO, MSPB, labor and employee relations, and incentive awards. The records are those found in the NCPDS subsystems: The Navy Automated Civilian Manpower Information System (NACMIS), the Training Information Management System (TIMS), the Personnel Automated Data System (PADS), the Computerized Employee Management Program Administration and Research (CEMPAR), Office of Civilian Personnel Management Customer Support Centers, the Executive Personnel Management Information System (EPMIS), the Complaints Action Tracking System (CATS), and the NCPDS base level and Headquarters systems.

Authority for maintenance of the system:

5 U.S.C. 301, Departmental Regulations; 5 U.S.C. 4118; Executive Order 9397; 5 U.S.C. 2951; Executive Order 10450; 42 U.S.C. 2000e, 5 U.S.C. 3135, 5 U.S.C. 4301, et. seq., 5 U.S.C. 4501 et. seq., 5 U.S.C. 4705 and subparts D, E, F, and G of title 5 U.S.C. and 29 CFR part 1613 et. seq.

Purpose(s):

To manage and administer the Department's civilian personnel and civilian manpower planning programs and in the design, development, maintenance and operation of the automated system of records. Designated contractors of the Department of the Navy and Defense in the performance of their duties with respect to equipment and system design, development test, operation and maintenance.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To the Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office.

To the Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of Executive Branch agencies.

To officials and employees of other departments and agencies of the Executive Branch of government upon request in the performance of their official duties related to the screening and selection of candidates for vacant positions.

To representatives of the United States Department of Labor on matters relating to the inspection, survey, audit or evaluation of the Navy's apprentice training programs or on other such matters under the jurisdiction of the Labor Department.

To representatives of the Department of Veterans Affairs on matters relating to the inspection, survey, audit or evaluation of the Navy's apprentice and on-the-job training program.

To contractors or their employees for the purpose of automated processing of data from employee personnel actions

and training documents, or data collection forms and other documents.

To a duly appointed hearing examiner or arbitrator in connection with an employee's grievance.

To an appointed Administrative Judge for the purpose of conducting a hearing in connection with an employee's formal Equal Employment Opportunity (EEO) complaint.

To officials and employees of schools and other institutions engaged to provide training.

To labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

To representatives of the Federal Labor Relations Authority.

To representatives of the Merit Systems Protection Board.

To representatives of the Equal Employment Opportunity Commission for statistical analysis, processing and adjudication.

The "Blanket Routine Uses" that appear at the beginning of the Department of the Navy's compilation of systems notices also apply to this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated records are stored on magnetic tape, disc, drum and punched cards and computer printouts. Manual records are stored in paper file folders.

Retrievability:

Information is retrieved by Social Security Number or other similar substitute if there is no Social Security Number, position number, name, or by specific employee characteristics such as date of birth, grade, occupation, employing organization, tickler dates, academic specialty level.

Safeguards:

The computer facility and terminal are accessible only to authorized persons that have been properly screened, cleared and trained. Manual and automated records and computer printouts are available only to authorized personnel having a need-to-know.

Retention and disposal:

Input documents are destroyed after data are converted to magnetic medium. Information is stored in magnetic medium within the ADP system. Information recorded via magnetic medium will be retained permanently. For TIMS and the apprentice programs the computer magnetic tapes are permanent. Manual records are maintained on a fiscal year basis and are retained for varying periods from one to five years.

System manager(s) and address:

Director, Office of Civilian Personnel Management, 800 North Quincy Street, Arlington, VA 22203–1998 and the commanding officers at the employee's activity.

Notification procedure:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Director, Office of Civilian Personnel Management, 800 North Quincy Street, Arlington, VA 22203–1998 or to the civilian personnel officer under his/her cognizance. Official mailing addresses are published as an appendix to the Department of the Navy's compilation of systems of records.

The request should contain the individual's full name, Social Security Number and name of employing activity.

Requesters may visit the civilian personnel office at the naval activity covered by the system to obtain information. In such case, proof of identity will consist of full name, Social Security Number and a third positive identification such as a driver's license, Navy building pass or identification badge, birth certificate, Medicare card, etc.

Record access procedures:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Director, Office of Civilian Personnel Management, 800 North Quincy Street, Arlington, VA 22203–1998 or to the civilian personnel officer under his/her cognizance. Official mailing addresses are published as an appendix to the Department of the Navy's compilation of systems of records.

The request should contain the individual's full name, Social Security Number and name of employing activity.

Requesters may visit the civilian personnel office at the naval activity covered by the system to obtain information. In such case, proof of identity will consist of full name, Social Security Number and a third positive identification such as a driver's license, Navy building pass or identification badge, birth certificate, Medicare card, etc.

Contesting record procedures:

The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

Record source categories:

Categories of sources of records in this system are: the civilian personnel office of the employing activity; the payroll office; OCPM headquarters; the security office of the employing activity; line managers, other designated officials and supervisors; the employee and persons named by the employee as references.

Exemptions claimed for the system:

None.

[FR Doc. 91–21637 Filed 9–9–91; 8:45 am]
BILLING CODE 3810–01–M

Office of the Inspector General

Privacy Act of 1974; Deletion of a System of Records

AGENCY: Inspector General, DoD.

ACTION: Deletion Notice.

SUMMARY: The Office of the Inspector General proposes to delete a record system in its inventory of record system notices subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a).

EFFECTIVE DATE: September 10, 1991.

FOR FURTHER INFORMATION CONTACT: David C. Stewart, Assistant Director, FOIA/PA Division, Assistant Inspector General for Investigations, Room 1016, 400 Army Navy Drive, Arlington, VA 22202–2884. Telephone (202) 697–6035 or Autovon 227–6035.

SUPPLEMENTARY INFORMATION: The records currently maintained in CIG–08, Classified Information Nondisclosure Agreement (NDA) are covered by a government-wide Privacy Act system of records established by the Office of Personnel Management (OPM). The OPM system is identified as OPM/Govt–1, General Personnel Records.

The complete inventory of record system notices subject to the Privacy Act for the Office of the Inspector General, DoD, has been published in the **Federal Register** to this date as follows:

50 FR 22279, May 29, 1985 (DoD) Compilation, changes follow)
52 FR 26547, Jul. 15, 1987
52 FR 35754, Sep. 23, 1987
54 FR 24377, Jun. 7, 1989

54 FR 33956, Aug. 17, 1989
55 FR 18152, May 1, 1990
55 FR 48681, Nov. 21, 1990

Ms. Linda Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Deletion

CIG-08

System name: Classified Information Nondisclosure Agreement (NDA) (52 FR 26547, July 15, 1987).

Reason: System is no longer needed. Information in this system of records is currently covered by OPM/GOVT-1, General Personnel Records (55 FR 3838, February 5, 1990).

[FR Doc. 91-21634 Filed 9-9-91; 8:45 am]

BILLING CODE 3810-01-M

Department of the Navy

Board of Visitors to the United States Naval Academy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app 2), notice is hereby given that the Board of Visitors to the United States Naval Academy will meet 23 September 1991, at the U.S. Naval Academy, Annapolis, Maryland. The session, which is open to the public, will commence at 8:30 a.m. and terminate at 4:30 p.m., 23 September 1991 in room 301, Rickover Hall.

The purpose of the meeting is to make such inquiry as the Board shall deem necessary into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, and academic method of the Naval Academy.

For further information concerning this meeting contact: Lieutenant Commander George McCaffrey, USN, Secretary to the Board of Visitors, Flag Secretary to Superintendent, United States Naval Academy, Annapolis, Maryland 21402-5000, telephone (301) 267-2202.

Dated: September 3, 1991.

Wayne T. Baucino

Lieutenant, JAGC, U.S. Naval Reserve, Alternate Federal Register Liaison Officer.

[FR Doc. 91-21619 Filed 9-9-91; 8:45 am]

BILLING CODE 3810-AE-F

CNO Executive Panel; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app. 2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel will meet September 24-26, 1991, from 9 a.m. to 5 p.m., in Norfolk, Virginia. All sessions will be closed to the public.

The purpose of this meeting is to review maritime issues as they impact national security policy and requirements. The agenda of the meeting will consist of discussions of key issues regarding national security policy, and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and are, in fact, properly classified pursuant to such Executive order. Accordingly the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact: Judith A. Holden, Executive Secretary to the CNO Executive Panel, 4401 Ford Avenue, room 601, Alexandria, Virginia 22302-0268, phone (703) 756-1205.

Dated: September 4, 1991.

Wayne T. Baucino

Lieutenant, JAGC, U.S. Naval Reserve, Alternate Federal Register Liaison Officer.

[FR Doc. 91-21618 Filed 9-9-91; 8:45 am]

BILLING CODE 3810-AE-F

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Privacy Act; Systems of Records

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Notice of Systems of Records.

SUMMARY: Each Federal agency is required by the Privacy Act of 1974, 5 U.S.C. 552a, to provide public notice of systems of records it maintains containing personal information. In this notice the Board provides the required information on two such systems of records.

FOR FURTHER INFORMATION CONTACT: Robert M. Andersen, General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., suite 700, Washington, DC 20004, (202) 208-6387.

SUPPLEMENTARY INFORMATION: Section 552a(e) of the Privacy Act of 1974 directs each Federal agency to provide notice to the public of systems of records it maintains on individuals. This notification of two records systems is the second in a series of notices which will bring the Board into full compliance with the Privacy Act.

Systems of Records

DNFSB-3

System name:

Drug Testing Program Records—DNFSB.

System classification:

Unclassified.

System location:

Primary System: Division of Personnel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Washington, DC 20004.

Duplicate Systems: Duplicate systems may exist, in whole or in part, at contractor testing laboratories and collection/evaluation facilities.

Categories of individuals covered by the system:

DNFSB employees and applicants for employment with the DNFSB.

Categories of records in the system:

These records contain information regarding results of the drug testing program; requests for and results or initial, confirmatory and follow-up testing, if appropriate; additional information supplied by DNFSB employees or employment applicants in challenge to positive test results; information supplied by individuals concerning alleged drug abuse by Board employees or contractors; and written statements or medical evaluations of attending physicians and/or information regarding prescription or nonprescription drugs.

Authority for maintenance of the system:

(1) Executive Order 12564; September 15, 1986.

(2) Section 503 of the Supplemental Appropriations Act of 1987, Pub. L. 100-71, 101 Stat. 391, 468-471, codified at 5 U.S.C. section 7301 note (1987).

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

Information in these records may be used by the DNFSB management:

(1) To identify substance abusers within the agency;

(2) To initiate counselling and rehabilitation programs;

(3) To take personnel actions;

(4) To take personnel security actions; and

(5) For statistical purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:
Storage:

Records are maintained on paper in file folders.

Retrievability:

Records are indexed and accessed by name and social security number.

Safeguards:

Access to and use of these records is limited to those persons whose official duties require such access, with records maintained and used with the highest regard for personal privacy. Records in the Division of Personnel are stored in an approved security container under the immediate control of the Director, Division of Personnel, or designee. Records in laboratory/collection/evaluation facilities will be stored under appropriate security measures so that access is limited and controlled.

Retention and disposal:

(1) Test results, whether negative or positive, and other drug screening records filed in the Division of Personnel will be retained and retrieved as indicated under to Retrievability category. When an individual terminates employment with the DNFSB, negative test results will be destroyed by shredding, or by other approved disposal methods. Positive test results will be maintained through the conclusion of any administrative or judicial proceedings, at which time they will be destroyed by shredding, or by other approved disposal methods.

(2) Test results, whether negative or positive, on file in contractor testing laboratories, ordinarily will be maintained for a minimum of two years in the laboratories. Upon instructions provided by the Division of Personnel, the results will be transferred to the Division of Personnel when the contract is terminated or whenever an individual, previously subjected to urinalysis by the laboratory, terminates employment with the DNFSB. Records received from the laboratories by the Division of Personnel will be incorporated into other records in the system, or if the individual has terminated, those records reflecting negative test results will be destroyed by shredding, or by other approved disposal methods. Positive test results will be maintained through the conclusion of any administrative or judicial proceedings, at which time they will be destroyed by shredding, or by other approved disposal methods.

(3) Negative specimens will be destroyed according to laboratory/contractor procedures.

(4) Positive specimens will be maintained through the conclusion of administrative or judicial proceedings.

System manager and address:

Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., suite 700, Washington, DC 20004, Attention: Director of Personnel.

Notification procedure:

Requests by an individual to determine if a system of records contains information about him/her should be directed to Director of Personnel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., suite 700, Washington, DC 20004. Required identifying information: Complete name, social security number.

Record access procedure:

Same as Notification procedures above, except individual must show official photo identification, such as driver license or government identification before viewing records.

Contesting record procedure:

Same as Notification procedures above.

Record source categories:

DNFSB employees and employment applicants who have been identified for drug testing, who have been tested, or who have admitted abusing drugs prior to being tested; physicians making statements regarding medical evaluations and/or authorized prescriptions for drugs; individuals providing information concerning alleged drug abuse by Board employees or contractors; DNFSB contractors for processing, including but not limited to, specimen collection, laboratories for analysis, and medical evaluations; and DNFSB staff administering the drug testing program to ensure the achievement of a drug-free workplace.

System exempted from certain provisions of the Act:

Pursuant to 5 U.S.C. 552a(k)(5), the Board has exempted portions of this system of records from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (C), (H), and (J), and (f). The exemption is invoked for information in the system of records which would disclose the identity of a person who has supplied information on drug abuse by a Board employee or contractor.

DNFSB–4

System Name:

Personnel Files.

System Classification:

Unclassified.

System Location:

Defense Nuclear Facilities Safety Board, 625 Indiana Ave., NW, Washington, DC 20004.

Categories of Individuals Covered by the System:

Employees and applicants for employment with the DNFSB, including DNFSB contractors and consultants.

Categories of Records in the System:

Records concerning the following information:

(1) Name, social security number, sex, date of birth, home address, grade level, and occupational code.

(2) Official Pesonnel Folders (SF–66), Service Record Cards (SF–7), and SF–171.

(3) Records on suggestions, awards, and bonuses.

(4) Training requests, authorization data, and training course evaluations.

(5) Employee appraisals, appeals, grievances, and complaints.

(6) Employee disciplinary actions.

(7) Employee retirement records.

(8) Records on employment transfer.

(9) Applications for employment with the DNFSB.

Authority for Maintenance of the System:

National Defense Authorization Act, Fiscal Year 1989 (amended the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) by adding new Chapter 21—Defense Nuclear Facilities Safety Board).

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

GSA—Maintains official personnel records for DNFSB.

Office of Personnel Management—Transfer and retirement records and benefits, and collection of anonymous statistical reports.

Social Security Administration—Social Security records and benefits.

Federal, State, or Local government agencies—For the purpose of investigating individuals in connection with, security clearances, and administrative or judicial proceedings.

Private Organizations—For the purpose of verifying employees' employment status with the DNFSB.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:
Storage:

Paper records, magnetic disk, and computer printouts.

Retrievability:

By name and social security number.

Safeguards:

Access is limited to employees having a need-to-know. Records are stored in locked file cabinets in a controlled access area in accordance with Board directives and Federal guidelines.

Retention and disposal:

Records retention and disposal authorities are contained in the "General Records Schedules" published by National Archives and Records Administration, Washington, DC. Records within DNFSB are destroyed by shredding or burning, as appropriate.

System manager and address:

Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004, Attention: Director of Personnel.

Notification procedure:

Requests by an individual to determine if a system of records contains information about him/her should be directed to Director of Personnel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., suite 700, Washington, DC 20004. Required identifying information: Complete name, social security number, and date of birth.

Record access procedure:

Same as Notification procedures above, except individual must show official photo identification, such as driver license or government identification before viewing records.

Contesting record procedure:

Same as Notification procedures above.

Record source categories:

Subject individuals, official personnel records, GSA, OPM for official personnel records, State employment agencies, educational institutions, and supervisors.

System exempted from certain provisions of the Act:

None

Dated: September 4, 1991.

John T. Conway,

Chairman.

[FR Doc. 91-21714 Filed 9-9-91; 8:45 am]

BILLING CODE 6820-KD

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Office of Information Resources Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before October 10, 1991.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Mary P. Liggett, Department of Education, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Mary P. Liggett (202) 708-5174.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Acting Director, Office of Information Resources Management, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following:

(1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Mary P. Liggett at the address specified above.

Dated: September 3, 1991.

Mary P. Liggett,

Acting Director, Office of Information Resources Management.

Office of Planning, Budget and Evaluation

Type of Review: New.

Title: Study of Magnet Schools and Issues of Public School Desegregation, Quality and Choice.

Frequency: One time.

Affected Public: Individuals or households; non-profit institutions.

Reporting Burden:

Responses: 3,350.

Burden Hours: 3,425.

Recordkeeping Burden:

Recordkeepers: 0.

Burden Hours: 0.

Abstract: Teachers, principals, schools and school districts will be surveyed to permit description of the nature, extent and impact of magnet programs nationwide. The Department will use the information to assess the rate of improvement in achieving desegregation and of the participation of school systems.

Office of Educational Research and Improvement

Type of Review: Revision.

Title: National Assessment of Educational Progress (NAEP) 1991-92 Assessment: Background/Attitude, Reading, Mathematics and Writing.

Frequency: Non-recurring.

Affected Public: Individuals or households; State or local governments.

Reporting Burden:

Responses: 531,949.

Burden Hours: 498,306.

Recordkeeping Burden:

Recordkeepers: 0.

Burden Hours: 0.

Abstract: Congress mandated the collection of the National Assessment survey data. The NAEP data collection for the 1991 school year includes cognitive exercises in reading, mathematics, and science, and achievement-related student, teacher, and school background and attitude questionnaires. The data will be useful for policymakers in education, research, legislatures, and the public.

Office of Special Education and Rehabilitative Services

Type of Review: Revision.
Title: Report of Children and Youth with Disabilities Exiting the Educational System During the 1991–92 School Year.
Frequency: Annually.
Affected Public: State or local governments.
Reporting Burden:
Responses: 58.
Burden Hours: 12,267.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: This form will be used by States to report the number of youth with disabilities exiting the school system. The Department will use the information to assess progress and effectiveness of State efforts to implement programs under part B of the Individuals with Disabilities Education Act, as amended.

Office of Special Education and Rehabilitative Services

Type of Review: Revision.
Title: Part B, Individuals with Disabilities Education Act, Implementation of FAPE Requirement.
Frequency: Annually.
Affected Public: State or local governments.
Reporting Burden:
Responses: 58.
Burden Hours: 198,418.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: This form provides instructions and forms necessary for States to report the setting in which children with disabilities served under the Individuals with Disabilities Education Act, as amended, receive special education and related services. The Department will use the information to monitor State educational agencies and for Congressional reporting.

Office of Special Education and Rehabilitative Services

Type of Review: Reinstatement.
Title: Report of Children and Youth with Disabilities Receiving Special Education, part B, Individuals with Disabilities Education Act.
Frequency: Annually.
Affected Public: State or local governments.
Reporting Burden:
Responses: 58.
Burden Hours: 15,196.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: This form will be used by States to report the number of children and youth with disabilities receiving special education and related services under part B of the Individuals with Disabilities Education Act, as amended. The Department will use this information for monitoring activities and for distributing Federal funds.

Office of Special Education and Rehabilitative Services

Type of Review: Revision.
Title: Report of Eligible Children with Disabilities in Schools Operated or Supported by State Agencies, chapter 1 of ESEA (SOP).
Frequency: Annually.
Affected Public: State or local governments.
Reporting Burden:
Responses: 57.
Burden Hours: 7552.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: State education agencies will report the number of handicapped children and youth receiving services to the Department. The Department will use the information to determine grant awards.

Office of Special Education and Rehabilitative Services

Type of Review: Revision.
Title: Number and Type of Personnel (In Full-time Equivalency of Assignment) Employed to Provide Special Education and Related Services for Children and Youth with Disabilities.
Frequency: Annually.
Affected Public: State or local agencies.
Reporting Burden:
Responses: 58.
Burden Hours: 7,656.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: This form will be used by States to report the number and type of personnel that are employed to provide educational services to children and youth that disabilities. The Department will use the information to monitor States to ensure compliance with Federal statute and regulations and to respond to Congressional reporting requirements.

Office of Special Education and Rehabilitative Services

Type of Review: Revision.
Title: Number and Type of Additional Personnel (In Full-time Equivalency of Assignment) Needed to Fill Funded Positions to Provide Special Education and Related Services for Children and Youth with Disabilities.
Frequency: Annually.
Affected Public: State or local governments.
Reporting Burden:
Responses: 58.
Burden Hours: 7,656.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: This form will be used to assess the adequacy of personnel to provide services to children and youth with disabilities. The Department will use this information to monitor States to ensure compliance with Federal statute and regulations and to respond to Congressional reporting requirements.

Office of Special Education and Rehabilitative Services

Type of Review: Revision.
Title: Chapter 1 of ESEA (SOP), Implementation of FAPE Requirement.
Frequency: Annually.
Affected Public: State or local governments.
Reporting Burden:
Responses: 58.
Burden Hours: 41,238.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: This form provides instructions and forms necessary for States to report the settings in which children with disabilities in State Operated Programs receive special education and related services. The Department uses this information to monitor State agencies and report to Congress.

[FR Doc. 91–21570 Filed 9–9–91; 8:45 am]
BILLING CODE 4000–01–M

National Advisory Council on Educational Research and Improvement; Meeting

AGENCY: National Advisory Council on Educational Research and Improvement, Education.

ACTION: Full council meeting of the National Advisory Council on Educational Research and Improvement.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Educational Research and Improvement. This notice also describes the functions of the Council. Notice of this meeting is required section 10 (a) (2) of the Federal Advisory Committee Act.

DATES AND TIMES: September 24, 1991, 1 p.m. to 3 p.m.; September 26, 1991, 9 a.m. to 5 p.m.; September 26, 1991, 9 a.m. to 4 p.m.

ADDRESSES: Quality Hotel Capitol Hill, 415 New Jersey Avenue, NW., Washington, DC 20002.

FOR FURTHER INFORMATION CONTACT: Mary Grace Lucier, Executive Director, National Advisory Council on Educational Research and Improvement, 330 C Street, SW., Washington, DC 20202–7579, (202) 732–4504.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Educational Research and Improvement is established section 405 of the 1972 Education Amendments, Public Law 92–318, as amended by the Higher Education Amendments of 1986, Public Law 99–498, (20 U.S.C. 1221e). The Council is established to advise the President, the Secretary of Education and the Congress on policies and activities carried out by the Office of Educational Research and Improvement (OERI). The meeting of the Council is open to the public. The proposed agenda includes briefings by representatives of the Center for Choice and America 2000 (September 24); panel discussions on the role of the research and development centers funded by the Office of Educational Research and Improvement, and on issues pertinent to national testing and assessment (September 25); and formulation of the Council's recommendations for Fiscal Year 1991 and its work plan for Fiscal Year 1991 (September 26). Records are kept of all Council Proceedings and are available for public inspection at the Office of the National Advisory Council on Educational Research and Improvement, 330 C Street, SW., suite 4076, Washington, DC 20202–7579, from 9 a.m. to 5 p.m. Monday through Friday.

Dated: September 5, 1991.

Mary Grace Lucier,

Executive Director.

[FR Doc. 91–21680 Filed 9–9–91; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Office of the Deputy Secretary

U.S. Alternative Fuels Council; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: United States Alternative Fuels Council.

Date and Time: Thursday, September 19, 1991, 9 a.m.–3 p.m., Friday, September 20, 1991, 9 a.m.–2:30 p.m.

Location: Embassy Suites Hotel Airport, Salon G and H, 7640 Northwest Tiffany Springs Parkway, Kansas City, Missouri.

Contact: Mark Bower, Office of Policy, Planning and Analysis, U.S. Department of Energy, Mail Stop AC–26, Washington, DC 20585, Phone: (202) 586–3891.

Purpose of the Council:

To provide advice to the Interagency Committee on Alternative Motor Fuels to help:

1. "* * * coordinate Federal agency efforts to develop and implement a national alternative motor fuels policy."
2. "* * * ensure the development of a long-term plan for the commercialization of alcohols, natural gas, and other potential alternative motor fuels."
3. "* * * ensure communication among representatives of all Federal agencies that are involved in alternative motor fuels projects or that have an interest in such projects."
4. "* * * provide for the exchange of information among persons working with, or interested in working with, the commercialization of alternative motor fuels."

Agenda Outline

September 19, 1991

9 a.m.–10:30 a.m.

Impacts of Alternative Fuel Use: An Analytical Approach
Chair: Robert W. Hahn
- Benton F. Massell, U.S. Department of Energy
- Paul Leiby, Oak Ridge National Laboratory

10:30 a.m.–12:30 p.m.

Alternative Fuels Policy Session—Part I
Facilitator: Herb Lapp

12:30 p.m.–1:30 p.m.

Lunch

1:30 p.m.–3 p.m.

Alternative Fuels Policy Session—Part II
Facilitator: Herb Lapp

3 p.m.

Tour of Midwest Grain Products

Agenda Outline

September 20, 1991

9 a.m.–12 p.m.

Alternative Fuels Policy Session—Part III
Facilitator: Herb Lapp

12 p.m.–1 p.m.

Lunch

1 p.m.–2:30 p.m.

Discussion of Future Meetings and Agendas and Public Comment Period
Chair: Charles R. Imbrecht

2:30 p.m.

Adjourn

Public Participation:

The meeting is open to the public. Written statements may be filed with the Council either before or after the meeting. Members of the public who wish to make oral statements pertaining to the agenda items should contact Mark Bower at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda. The Chairpersons of the Council are empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes:

Available for public review and copying approximately 30 days following the meeting at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Ave., SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal Holidays.

Issued at Washington, DC, on September 4, 1991.

Stephen J. Garvey,

Deputy Advisory Committee Management Officer.

[FR Doc. 91–21707 Filed 9–9–91; 8:45 am]

BILLING CODE 6450–01–M

Financial Assistance Award; Intent To Award Grant to Dr. D. Carlos Adams

AGENCY: Department of Energy.

ACTION: Notice of unsolicited application financial assistance award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.6(a)(2), it is making a discretionary financial assistance award based on acceptance of an unsolicited application meeting the criteria of 10 CFR 600.14(e)(1) to Dr. D. Carlos Adams, an inventor, under Grant Number DE–FG01–91CE15533. The proposed grant will provide funding in the estimated amount of $88,206 to the proposed grantee to demonstrate the feasibility of constructing a prototype continuous process retort, which is a highly promising new technology for shale oil development. Advantages over current technology are that the energy content of the retorted shale is recovered without mixing ash with raw shale and without diluting the product gas stream with combustion products. Also, the heat required comes from burning the carbonaceous residue on the surface of the spent shale in the countercurrent heat exchange that occurs between the two solid streams.

The Department of Energy has determined in accordance with 10 CFR 600.14(f) that the application submitted by Dr. D. Carlos Adams is meritorious based on the general evaluation required by 10 CFR 600.14(d) and that the proposed project represents a unique idea that would not be eligible for financial assistance under a recent, current or planned solicitation. The proposed grantee is using a technique

for which a patent has been obtained. The proposed project is not eligible for financial assistance under a recent, current or planned solicitation because the funding program, The Energy-Related Inventions Program (ERIP), has been structured since its beginning in 1975 to operate without competitive solicitations because the authorizing legislation directs ERIP to provide support for worthy ideas submitted by the public. The program has never issued and has no plans to issue a competitive solicitation. The proposed technology has a possibility of adding to the national energy resources by utilizing less electrical energy by performing in a single process vessel what most other processes require several steps to complete. This will therefore reduce electrical power generation costs.

The anticipated term of the proposed grant is eighteen months from the effective date of award.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Placement and Administration, ATTN: Phyllis P. Morgan, PR-322.2, 1000 Independence Avenue, SW., Washington, DC 20585.

Thomas S. Keefe,

Director Operations Division "B" Office of Placement and Administration.

[FR Doc. 91-21701 Filed 9-9-91; 8:45 am]

BILLING CODE 6450-01-M

Financial Assistance Award Intent To Award a Grant to the Alliance To Save Energy

AGENCY: Department of Energy.

ACTION: Notice of noncompetitive financial assistance award.

SUMMARY: The Department of Energy (DOE) announces that pursuant to 10 CFR 600.7(b)(2)(i)(B), it is making a noncompetitive financial assistance award based on an unsolicited application satisfying the criteria of 10 CFR 600.14(e)(1). This award will be made under Grant Number DE-FG02-91PE79096 to the Alliance to Save Energy. The financial assistance will provide partial support for the performance of post-conference activities to produce a Final Summary Report and disseminate the results of the "1991 Workshop on Climate Change Policy Modeling."

SCOPE: The grant will provide $25,000 in funding to the Alliance to Save Energy to publish a Final Workshop Summary Report and Issue Brief based on the discussions emanating from this Workshop. The Alliance to Save Energy is formulating initiatives to promote energy efficiency that will both mitigate global climate change and enhance the competitiveness of the U.S. energy industry. The broad dissemination of energy/environmental information will help to stimulate investment in energy efficiency.

ELIGIBILITY: Based on the receipt of an unsolicited proposal, eligibility for this award is being limited to the Alliance to Save Energy. DOE support of this activity would enhance the public benefits to be derived. DOE knows of no other entity which is conducting or planning such a program.

The term of the grant shall be until December 31, 1991.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Placement and Administration, ATTN: James F. Thompson, 1000 Independence Avenue, SW., Washington, DC 20585.

Thomas S. Keefe,

Director, Operations Division "B", Office of Placement and Administration.

[FR Doc. 91-21702 Filed 9-9-91; 8:45 am]

BILLING CODE 6450-01-M

Determination of Noncompetitive Financial Assistance

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: DOE announces that pursuant to 10 CFR 600.7(b)(2), it intends to renew on a noncompetitive basis a grant to the Coalition of Northeastern Governors (CONEG) to organize and carry out a Regional Biomass Program in the Northeast Area of the Northern Tier States. The renewal award is to be in the amount of $775,000 to continue the project through 9/8/92. The primary purpose is to implement biomass research and development, technology utilization, and technology transfer on a regional basis in a manner which will maximize the participation of the public and private sectors of each state. CONEG has the unique capability to equally represent all of the states in the Northeast subregion and involve the appropriate private and public interest groups in the states. CONEG is an existing, regionally organized consortium with background experience in management of similar activities. Eligibility for this award is, therefore, restricted to CONEG.

FOR FURTHER INFORMATION CONTACT: James W. Cooke, ER-112, Energy Programs Division, U S Department of Energy, Oak Ridge, Tennessee 37831-6269, (615) 576-0737.

Peter D. Dayton,

Director, Procurement & Contracts Division, Field Office, Oak Ridge.

[FR Doc. 91-21703 Filed 9-9-91; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Agency Information Collections Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of request submitted for reivew by the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for review under provision of the Paperwork Reduction Act (Pub. L. No. 96-511, 44 U.S.C. 3501 *et seq.*). The listing does not include collections of information contained in new or revised regulations which are to be submitted under section 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) The sponsor of the collection (the DOE component or Federal Energy Regulatory Commission (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, extension, or reinstatement; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses per respondent annually; (11) An estimate of the average hours per response; (12) The estimated total annual respondent burden; and (13) A brief abstract describing the proposed collection and the respondents.

DATES: Comments must be filed on or before October 10, 1991. If you anticipate that you will be submitting

comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so as soon as possible. The Desk Officer may be telephoned at (202) 395-3084. (Also, please notify the IEA contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards at the address below.)

FOR FURTHER INFORMATION AND COPIES OF RELEVANT MATERIALS CONTACT: Jay Casselberry, Office of Statistical Standards, (EI-73), Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Mr. Casselberry may be telephoned at (202) 586-2171.

SUPPLEMENTARY INFORMATION:

The energy information collection submitted to OMB for review was:

1. Energy Information Administration
2. EIA-846A/D
3. 1905-0169
4. Manufacturing Energy Consumption Survey
5. Reinstatement
6. Triennially
7. Mandatory
8. Businesses or other for profit
9. 15,732 respondents
10. .333 responses per year
11. 9.224 hours per response
12. 48,324 hours
13. EIA-846A/D will collect data on the consumption of energy sources and the fuel-switching capability of establishments in the mnaufacturing sector. The data will be used by analysts and policy makers for longitudinal analysis. Data will also serve as input into the National Energy Modeling System. Respondents are manufacturing establishments in SIC 20-39.

Statutory Authority: Sec. 5(a), 5(b), 13(b), and 52, Pub. L. No. 93-275, Federal Energy Administration Act of 1974, 15 U.S.C. § 764(a), 764(b), 772(b), and 790a.

Issued in Washington, DC, September 4, 1991.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 91-21705 Filed 9-9-91; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. GP90-15-003]

El Paso Natural Gas Co. v. Kaneb Energy Company and Kaneb Operating Co., Ltd.; Request for Waiver

August 29, 1991.

Take notice that on August 8, 1991, Kaneb Energy Company and Kaneb Operating Company, Ltd. filed a motion for waiver of certain refunds attributable to royalty interests in Greer Estate Well Nos. 1 and 3 located in Reagan County, Texas. In support of its request Kaneb states that it neither received monies directly from the purchaser, El Paso Natural Gas Company, nor disbursed monies to royalty interest owners, and that Kaneb was thus not unjustly enriched by overpayments attributable to royalty interests. Kaneb also states that under Texas law, it appears to be barred by the applicable statute of limitations from collecting any overpayments from royalty owners. Kaneb also states that it sold all of its interest in the Greer wells effective January 1, 1988, and thus has no ongoing relationship, contractual or otherwise, with the Greer Estate royalty interest owners.

Any person wishing to do so may file comments concerning the requested waiver. Such comments should be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC, and should be filed no later than September 29, 1991. The filing of comments will not serve to make commentors parties to the proceeding. Any person wishing to become a party must file a petition to intervene pursuant to Rule 214 of the Commission's rules of practice and procedure (18 CFR 385.214).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 91-21581 Filed 9-9-91; 8:45 am]

BILLING CODE 6717-01-M

Office of Energy Research

Basic Energy Sciences Advisory Committee; Open Meeting

Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Basic Energy Sciences Advisory Committee (BESAC)

Date and Time: October 4, 1991—8:30 a.m.-5 p.m.; October 5, 1991—8:00 a.m.-12 p.m.

Place: Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439, Building 201, Room 275.

Contact: James S. Coleman, Department of Energy, Office of Basic Energy Sciences (ER-15), Office of Energy Research, Washington, DC 20585, Telephone: 301-353-5822.

Purpose of the Committee: To provide advice on a continuing basis to the Department of Energy (DOE) on the many complex scientific and technical issues that arise in the planning, management, and implementation of the research program for the Office of Basic Energy Sciences (BES).

Tentative Agenda: Briefings and discussion of:

October 4, 1991

- Subcommittee Reports
- Content of 1991 BESAC Report
- Public Comment (10 Minute Rule)

October 5, 1991

- Suggested Recommendations
- Report Drafting
- Public Comment (10 Minute Rule)

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact: James S. Coleman at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in fashion that will facilitate the orderly conduct of business.

Transcripts: The transcript of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, IE-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on September 4, 1991.

Stephen J. Garvey,

Deputy Advisory Committee Management Officer.

[FR Doc. 91-21706 Filed 9-9-91; 8:45 am]

BILLING CODE 6450-01-M

Office of Fossil Energy

[FE Docket No. 91-33-NG]

Northern Natural Gas Co.; Order Granting Long-Term Authorization To Import Natural Gas From Canada

AGENCY: Office Fossil Energy, Department of Energy.

ACTION: Notice of an order granting long-term authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Northern Natural Gas Company authorization to import from Mobil Gas

Canada up to 20,000 Mcf of Canadian natural gas per day through October 31, 2000. The gas would be imported into the United States at Emerson, Manitoba using the pipeline facilities of Great Lakes Gas Transmission Limited Partnership.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on August 30, 1991.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fuels Programs.

[FR Doc. 91-21704 Filed 9-9-91; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3994-4]

Public Hearings Relating to the Integrated Environmental Plan for the Mexico-U.S. Border Area

AGENCY: Environmental Protection Agency.

ACTION: Notice of public hearings relating to the Integrated Environmental Plan for the Mexico-U.S. Border Area: Hearing Location Changes in Brownsville, Texas, September 16, 1991; El Paso, Texas, September 20, 1991; and San Diego, California, September 23, 1991.

SUMMARY: On November 27, 1990, in Monterrey, Mexico, President Bush and Mexican President Carlos Salinas de Gortari instructed the environmental agencies of both countries to design an integrated plan to periodically examine mechanisms for reinforcing bilateral cooperation to solve the environmental problems of the border area. It was the intent of both Presidents that the Integrated Environmental Plan for the Border Area (the Border Plan) involve the participation of the relevant governments, business and academic institutions, and environmental organizations. The public is given the opportunity to make written comments and to participate in open hearings on the Border Plan. Hearings are scheduled from September 16-26 in U.S. communities along the U.S./Mexico border. (For more information, see the **Federal Register** notices, Wednesday, August 14, 1991 (56 FR 40324) and Wednesday, August 28, 1991 (56 FR 42614).

HEARING LOCATION CHANGES (BROWNSVILLE, TX; EL PASO, TX; SAN DIEGO, CA):

September 16, 1991, 4 p.m.-7 p.m.
Change from Brownsville Civic Center-Stokely Hall, Fort Brown Auditorium to: Fort Brown Hotel, 1900 E. Elizabeth Street, Brownsville, Texas.

September 20, 1991, 3 p.m.-8 p.m.
Change from the University of Texas, El Paso, Thomas Rivera Room, Student Union to: University of Texas, El Paso, Education Building, room 202, El Paso, Texas.

September 23, 1991, 9 a.m.-2 p.m.
Change from U.S. Federal Building, San Diego, room 4F-13 to: San Diego County Administration Building, room 310, 1600 Pacific Highway, San Diego, California.

COMPLETE REVISED HEARING SCHEDULE: The complete schedule of hearings on the Border Plan, as revised, is set forth below:

City	Date	Time	Location
McAllen, TX	9/16	9 a.m.-Noon	McAllen City Hall, City Council Chambers, 311 N. 15th Street.
Brownsville, TX	9/16	4 p.m.-7 p.m.	Fort Brown Hotel, 1900 E. Elizabeth St.
Harlingen, TX	9/17	2 p.m.-6 p.m.	Texas State Technical College (TSTC), 2424 Boxwood.
Laredo, TX	9/18	10 a.m.-1 p.m.	Laredo City Hall, City Council Chambers, 1110 Houston Street.
Sunland Park, NM	9/20	9 a.m.-Noon	City Council Chambers, Sunland Park City Hall, 3800 McNutt Road.
El Paso, TX	9/20	3 p.m.-8 p.m.	Univ. of Texas, El Paso Education Building, room 202.
San Diego, CA	9/23	9 a.m.-2 p.m.	San Diego County Administration Bldg., room 310, 1600 Pacific Highway.
Calexico, CA	9/24	10 a.m.-4 p.m.	Calexico City Library, 850 Encinas Avenue.
Nogales, AZ	9/26	9 a.m.-1 p.m.	Nogales City Hall, City Council Chambers, 777 North Grand.

REVISED COMMENT DATE: persons wishing to testify orally at the hearings must provide written notification and copies of testimony by 9 a.m. Eastern Standard Time, Monday, September 16, 1991. All other written comments must be received by 5 p.m. Eastern Standard Time, Monday, September 30, 1991. (See Supplementary Information in the **Federal Register** notice, Wednesday, August 14, 1991, for additional details relating to procedural matters involved in the comment process.)

REVISED CONTACT TELEPHONE NUMBERS; CONTACT TELEFAX NUMBERS: For answers to procedural questions concerning public comments and/or public hearings, the public is requested to contact: Orlando Gonzalez, U.S. Environmental Protection Agency (A-106), Office of International Activities, 401 M Street, SW., Washington, DC 20460, Telephone (202) 260-2170, Telefax (202) 260-8512, (202) 260-4470.

All other questions concerning the Border Plan should be directed to: Richard Kiy, U.S. Environmental Protection Agency (A-106), Special Assistant for the Border Plan, Office of International Activities, 401 M Street, SW., Washington, D.C. 20460, Telephone (202) 260-0791, Telefax (202) 260-8512, (202) 260-4470.

Approved by:

Richard Kiy,

Special Assistant for the Border Plan, Office of International Activities, U.S. EPA.

[FR Doc. 91-21672 Filed 9-9-91; 8:45 am]

BILLING CODE 6560-50-M

[FRL 3994-1]

Gulf of Mexico Program Technical Steering Committee Meeting

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of meeting of the Technical Steering Committee of the Gulf of Mexico Program.

SUMMARY: The Gulf of Mexico Program Technical Steering Committee will hold a meeting on September 19–20, 1991 at the Mote Marine Laboratory, 1600 Thompson Parkway, Sarasota, FL.

FOR FURTHER INFORMATION CONTACT: Mr. William Whitson, Gulf of Mexico Program Office, Stennis Space Center, MS 39529 at (601) 688–3726, FTS 494–3726.

SUPPLEMENTARY INFORMATION: A meeting of the Technical Steering Committee of the Gulf of Mexico Program will be held on September 19–20, 1991 at the Mote Marine Laboratory in Sarasota, FL. Agenda items will include status reports to the Committee on Coastal America Budget Initiative, the current Action Plans status, Oil Spill Task Force report, Mobile Bay Demonstration Project report, the Gulf of Mexico Comparative Risk Study, Environmental Monitoring & Assessment Program coordination, Global Warming, and the Gulf Program's FY92 budget. The meeting is open to the public.

Joseph R. Franzmathes,

Assistant Regional Administrator for Policy and Management.

[FR Doc. 91–21668 Filed 9–9–91; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–66013; FRL 3945–6]

Receipt of Applications for Approval to Dispose of Polychlorinated Biphenyls

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt of applications.

SUMMARY: EPA Headquarters has received applications from Chemical Processors Inc., Remcor Inc., and Recycling Sciences International Inc. for nationwide approvals to dispose of polychlorinated biphenyls (PCBs). Chemical Processors Inc. and Remcor Inc. are proposing to use a solvent extraction system and Recycling Sciences International Inc. proposes to use a thermal desorption system. This approval process is done under the authority of section 6(e) of the Toxic Substances Control Act (TSCA). EPA is notifying interested persons of these request, and requesting comments.

DATES: Comments should be received by October 10, 1991.

ADDRESSES: Three copies of written comments should be addressed to: Document Processing Center (TS–790), Office of Toxic Substances, Environmental Protection Agency, rm. L–100, 401 M St., SW., Washington, DC 20460.

Comments should bear the identifying notation OPTS–66013. The applications (without confidential business information) and comments received in response to this notice are available for public inspection and copying at the TSCA Public Docket Office in rm. NE–G004 at the address noted above from 8 a.m. to 12 noon, and 1 p.m. to 4 p.m. Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS–799), Office of Toxic Substances, Environmental Protection Agency, rm. E–543, 401 M St., SW., Washington, DC 20460, (202–554–1404), TDD (202–554–0551).

SUPPLEMENTARY INFORMATION: Under 40 CFR 761.60(e), the Regional Administrators and the Director, Exposure Evaluation Division (EED) in the Office of Pesticides and Toxic Substances (OPTS) share the approval authority for permitting alternative PCB disposal technologies. The Regional Administrator has the authority to approve a disposal application when the disposal will take place in that region only or, in the case of research and development (R and D), on PCB disposal methods involving less than 500 pounds of PCB material. The Director, Exposure Evaluation Division has the authority to approve disposal applications for mobile and other types of PCB disposal technologies that may be operated in more than one region or, in the case of R and D, on disposal methods involving 500 pounds or more of PCB material. Notwithstanding, the Director, Exposure Evaluation Division may delegate the authority to review and approve any aspect of a disposal system to EED staff or to a Regional Administrator. The rationale for permit approval authority is discussed in "Polychlorinated Biphenyls (PCBs); Procedural Amendment of the Approval Authority for PCB Disposal Facilities and Guidance for Obtaining Approval," published in the **Federal Register** of March 30, 1983 (48 FR 13181).

In general, EPA may approve alternative methods of PCB disposal if they achieve a level of performance equivalent to an incinerator approved under 40 CFR 761.70 or a high efficiency boiler approved under 40 CFR 761.60 and will not present an unreasonable risk of injury to health or the environment. EPA also imposes some protective conditions requiring the applicant to address such items as testing of all gaseous, liquid, and solid effluent streams for PCBs and any other contaminants which may potentially contribute to the environmental risk of operating the disposal unit. To obtain a permit for an alternative method of PCB disposal, the applicant must supply detailed technical descriptions and drawings of the site, descriptions of process and control equipment, monitoring and sampling methods, a quality assurance plan, and emergency and contingency measures, as well as a full discussion of all cleanup and closure procedures.

Once EPA receives a permit application, the application is reviewed for completeness. If the application is not complete, EPA lists its deficiencies in a letter to the applicant and the applicant can remedy the application. Once an application is complete and acceptable, the applicant must submit a demonstration test plan to the Agency. After receipt of the process demonstration test plan, EPA either approves, requires modification or additions to the process demonstration test plan, or disapproves the test plan and notifies the applicant. Once the Agency accepts a disposal process demonstration test plan, a demonstration test approval is issued by EPA. As part of this approval, the applicant will be required to give advance written notice of at least 30 days to the EPA Regional Office and State and local governments where the process demonstration will take place. This 30–day period provides the public an opportunity to discuss local issues related to the planned disposal operation. If the process demonstration test fails the application cannot be approved. Individual problems with the particular process demonstration are addressed on a case-by-case basis.

EPA will grant or deny approval for full-scale operation based on a review of the application package, demonstration test results, and other submitted information. Approval for operation will contain special conditions that EPA finds necessary to protect human health or the environment. It also requires compliance with all applicable State, local, or other Federal requirements. The PCB disposal approval decision process (from receipt of the permit application to issuance of a final approval) generally can take from 6 months to 1 year, depending on the quality of information submitted by the applicant and the complexities involved. If a permit is issued for more than one site, 30–day notice is required before operation may begin at any site other than where the process demonstration took place.

The application from Chemical Processors Inc. proposes to demonstrate a mobile solvent extraction system by cleaning an air compressor system at a site in Kent, Washington. Operating conditions will closely follow commercial operations. Their tentative schedule calls for operations to begin in September 1991.

The application from Remcor Inc. proposes to demonstrate a mobile solvent extraction system by cleaning pipes associated with a natural gas pipeline system at a site in Genessee, Pennsylvania. Operating conditions will closely follow commercial operations. Their tentative schedule calls for operations to begin in September 1991.

Finally, Recycling Sciences International Inc. proposes to demonstrate a mobile thermal desorption system by decontaminating soil at a site in Bloomington, Indiana. Operating conditions will closely follow commercial operations. Their tentative schedule calls for operations to begin in the summer of 1992. In determining whether to approve these applications, EPA will take into consideration, along with other factors, the comments received on each application.

Dated: August 30, 1991.

Elizabeth F. Bryan

Acting Director, Exposure Evaluation Division, Office of Toxic Substances.

[FR Doc. 91-21670 Filed 9-9-91; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

[DA 91-1106]

Comments Invited on Ohio Public Safety Plan

August 30, 1991.

The Commission has received the public safety radio communications plan for Ohio (Region 33).

In accordance with the Commission's Report and Order in General Docket No. 87-112 implementing the Public Safety National Plan, interested parties may file comments on or before October 9, 1991 and reply comments on or before October 24, 1991. (See Report and Order, General Docket No. 87-112, 3 FCC Rcd 905 (1987), at paragraph 54.)

Commenters should send an original and five copies of comments to the Secretary, Federal Communications Commission, Washington, DC 20554 and should clearly identify them as submissions to PR Docket 91-258 Ohio-Public Safety Region 33.

Questions regarding this public notice may be directed to Betty Woolford, Private Radio Bureau, (202) 632-6497 or Ray LaForge, Office of Engineering and Technology, (202) 653-8112.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91-21564 Filed 9-9-91; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice Concerning Issuance of Powers of Attorney

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Public notice.

SUMMARY: In order to facilitate the discharge of its responsibilities as a conservator and liquidator of insured depository institutions in the State of Oklahoma, the Federal Deposit Insurance Corporation ("FDIC") publishes the following notice. The publication of this notice is intended to comply with title 16, section 20 of the Oklahoma Statutes (16 O.S. 20) which, in part, declares Federal agencies that publish notices in the Federal Register concerning their promulgation of powers of attorney, to be exempt from the statutory requirement of having to record such powers of attorney in every country of Oklahoma in which the agencies wish to effect the conveyance or release of interests in land.

NOTICE: Pursuant to section 11 of the Federal Deposit Insurance ("FDI") Act (12 U.S.C. 1821), as amended by section 212 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"), the FDIC is empowered to act as conservator or receiver of any state or federally chartered depository institution which it insures. Furthermore, under Section 11A of the FDI Act (12 U.S.C. 1821a), as enacted under section 215 of FIRREA, the FDIC is also appointed to manage the FSLIC Resolution Fund.

Upon appointment as a conservator or receiver, the FDIC by operation of law becomes successor in title to the assets of the depository institutions on behalf of which it is appointed. As Manager of the FSLIC Resolution Fund, the FDIC became successor in title to both the corporate assets formerly owned by the now defunct Federal Savings and Loan Insurance Corporation ("FSLIC"), as well as to the assets of the depository institutions for which the FSLIC was appointed receiver prior to January 1, 1989. In addition, pursuant to section 13(c) of the FDI Act (12 U.S.C. 1823(c)), the FDIC also acquires legal title in its corporate capacity to assets acquired in furtherance of providing monetary assistance to prevent the closing of insured depository institutions or to expedite the acquisition by assuming depository institutions of assets and liabilities from closed depository institutions of which the FDIC is receiver.

In order to facilitate the conservation and liquidation of assets held by the FDIC in its aforementioned capacities, the FDIC has provided powers of attorney to the following individuals: Robert G. Miller, R.D. Bly, David Williams.

Each employee to whom a power of attorney has been issued is authorized and empowered to: Sign, seal and deliver as the act and deed of the FDIC any instrument in writing, and to do every other thing necessary and proper for the collection and recovery of any and all monies and properties of every kind and nature whatsoever for and on behalf of the FDIC and to give proper receipts and acquittances therefor in the name and on behalf of the FDIC; release, discharge or assign any and all judgments, mortgages on real estate or personal property (including the release and discharge of the same of record in the office of any Prothonotary or Register of Deeds wherever located where payments on account of the same in redemption or otherwise may have been made by the debtor(s)), and to endorse receipt of such payment upon the records in any appropriate public office; receipt, collect and give all proper acquittances for any other sums of money owing to the FDIC for any acquired asset which the attorney-in-fact may sell or dispose of; execute any and all transfers and assignments as may be necessary to assign any securities or other choses in action; sign, seal, acknowledge and deliver any and all agreements as shall be deemed necessary or proper by the attorney-in-fact in the care and management of acquired assets; sign, seal, acknowledge and deliver indemnity agreements and surety bonds in the name of and on behalf of the FDIC; sign receipts for the payment of all rents and profits due or to become due on acquired assets; execute, acknowledge and deliver deeds of real property in the name of the FDIC; extend, postpone, release and satisfy or take such other action regarding any mortgage lien held in the name of the FDIC; execute, acknowledge and deliver in the name of the FDIC a power of attorney wherever necessary or required

by law to any attorney employed by the FDIC; foreclose any mortgage or other lien on either real or personal property, wherever located; do and perform every act necessary for the use, liquidation or collection of acquired assets held in the name of the FDIC; and sign, seal, acknowledge and deliver any and all documents as may be necessary to settle any action(s) or claim(s) asserted against the FDIC, either in its Receivership or Corporate capacity, or as Manager of the FSLIC Resolution Funds.

Dated: September 4, 1991.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[FR Doc. 91-21638 Filed 9-9-91; 8:45 am]
BILLING CODE 6714-01-M

FEDERAL LABOR RELATIONS AUTHORITY

Federal Service Impasses Panel; Information Collection Under OMB Review

AGENCY: Federal Labor Relations Authority.

ACTION: Notice.

The Federal Service Impasses Panel (FSIP) submits the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act (44 U.S.C. chapter 35).

This document lists the following information: (1) Identification of the parties and individuals authorized to act on their behalf; (2) statement of issues at impasse and the summary petitions of the initiating party or parties with respect to those issues; (3) a description of the bargaining unit along with the number of employees included; (4) the expiration date of the parties' labor agreement; (5) the number, length, and dates of negotiation and mediation sessions held, including the nature and extent of all other voluntary arrangements utilized; (6) if approval of binding arbitration is requested, a statement that the proposals to be submitted to the arbitrator contain no questions concerning the duty to bargain; (7) a description of the arbitration procedures to be used; and (8) the name and signature of the party or parties filing the request.

Additional information or comments: Copies of the proposed forms and supporting documents may be obtained from Linda A. Lafferty, FSIP, Executive Director (202) 382-0981.

Dated: September 3, 1991.
Solly Thomas,
Executive Director.
[FR Doc. 91-21622 Filed 9-9-91; 8:45 am]
BILLING CODE 6727-01-M

FEDERAL MARITIME COMMISSION

United States/Southern Africa Conference, et al.; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 206-011276-001.

Title: United States/Southern and East Africa Interconference Agreement.

Parties: United States/Southern Africa Conference, United States/East Africa Conference.

Synopsis: The proposed amendment would permit meetings of any or all of the respective Conferences to be held concurrently with meetings of the Agreement to be held concurrently with meetings of the Agreement and at such meetings the Conferences may take all actions authorized under their respective Conference Agreement. It would also add a new provision to the agreement authority which will provide that the Conference members may discuss and agree upon the acquisition and/or use of, and payment for, office facilities, office equipment and other services.

Dated: September 5, 1991.
By order of the Federal Maritime Commission.
Ronald D. Murphy,
Assistant Secretary.
[FR Doc. 91-21659 Filed 9-9-91; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

NCNB Corporation; Formations of, Acquisitions by, and Mergers of Bank Holding Companies; and Acquisitions of Nonbanking Companies

The companies listed in this notice have applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed companies have also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of companies engaged in nonbanking activities that are listed in § 225.25 of Regulation Y and unlisted activities previously approved by Board Order as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The applications are available for immediate inspection at the Federal Reserve Bank located in Richmond, Atlanta, and Dallas as well as the offices of the Board of Governors in Washington, DC. Interested persons may express their views in writing on the application including the factors set forth in section 3(c) of the Bank Holding Company Act (12 U.S.C. 1842(c)) and whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices," as set forth in section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)). Any comment on an application that requests a hearing must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding this application must be received not later than October 10, 1991, and should be addressed to the attention of Mr. William W. Wiles,

Secretary, Board of Governors of the Federal Reserve System, 20th and Constitution Avenue, NW., Washington, DC 20551.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. NCNB Corporation, Charlotte, North Carolina, and its wholly owned subsidiary, C&S/Sovran Merger Corporation, Wilmington, Delaware; to acquire 100 percent of the voting shares of C&S/Sovran Corporation, Atlanta, Georgia, and Norfolk, Virginia, and thereby indirectly acquire The Citizens and Southern National Bank of Florida, Ft. Lauderdale, Florida; The Citizens and Southern National Bank, Savannah, Georgia; The Citizens and Southern National Bank of South Carolina, Columbia, South Carolina; Sovran Bank, N.A, Richmond, Virginia; Sovran Bank/Tennessee, Nashville, Tennessee; Sovran Bank/Kentucky, Inc., Hopkinsville, Kentucky; Sovran Bank/Maryland, Bethesda, Maryland; Sovran Bank/DC National, Washington, DC; C&S/Sovran Trust Company (Georgia) National Association, Atlanta, Georgia; C&S/Sovran Trust Company (South Carolina) National Association, Columbia, South Carolina; and C&S/Sovran Trust Company (Florida) National Association, Ft. Myers, Florida.

NCNB Corporation has also applied to acquire an option to buy up to 19.9 percent of the voting shares of C&S/Sovran Corporation.

In connection with this application, C&S/Sovran Corporation intends to apply to acquire an option to buy up to 19.9 percent of the voting shares of NCNB Corpration.

NCNB Corporation has also applied to acquire the following nonbank subsidiaries of C&S/Sovran Corporation:

(a) Citizens and Southern Insurance Services, Inc., Tucker, Georgia, and thereby engage in acting as insurance agent or broker with respect to life, health and disability insurance, personal and commercial property and casualty insurance, and fidelity and surety insurance, all in connection with loans made by bank affiliates, and insurance in connection with the management of the banking business and operations of C&S/Sovran, pursuant to §225.25(b)(8)(iv) of the Board's Regulation Y and *C&S/Sovran Corporation*, 76 Federal Reserve Bulletin 853 (1990) ("*C&S/Sovran Insurance Subsidiaries Order*");

(b) C&S/Sovran Insurance Services, Inc., Norfolk, Virginia, and thereby engage in acting as agent with respect to life and property and casualty insurance related to extensions of credit or mortgage loan servicing, pursuant to § 225.25(b)(8)(iv) of the Board's Regulation Y and *C&S/Sovran Insurance Subsidiaries Order*;

(c) Sovran Insurance Inc., Gaithersburg, Maryland, and thereby engage in general insurance agency and brokerage activities, including accident and health, life, personal and commercial property and casualty insurance, and surety and fidelity insurance, pursuant to § 225.25(b)(8)(iv) of the Board's Regulation Y and *C&S/Sovran Insurance Subsidiaries Order*;

(d) The Citizens and Southern Life Insurance Company, Tucker, Georgia, and thereby engage in underwriting credit life and credit disability insurance and acting as a reinsurer for certain revolving credit coverages, pursuant to § 225.25(b)(8)(i) of the Board's Regulation Y and *C&S/Sovran Insurance Subsidiaries Order*;

(e) Sovran Life Insurance Company, Tucker, Georgia, and thereby engage in underwriting as reinsurer, credit life and credit disability insurance directly related to extensions of credit, including open end lines of credit by affiliated entities, pursuant to § 225.25(b)(8)(i) of the Board's Regulation Y and *C&S/Sovran Insurance Subsidiaries Order*;

(f) Sovran Leasing Corporation, Pittsburgh, Pennsylvania, and thereby engage in commercial financing; in making acquiring and servicing, for its own account or the account of others, loans and leases of real and personal property; and in arranging, financing, structuring and analyzing equipment leasing; pursuant to § 225.25(b)(1) and (5) of the Board's Regulation Y and *C&S/Sovran Corporation/Avantor Financial Corporation*, 76 Federal Reserve Bulletin 779 (1990) ("*C&S/Sovran Order*");

(g) C&S Capital Corporation, Tucker, Georgia, and thereby engage in commercial equipment leasing, pursuant to § 225.25(b)(1) and (5) of the Board's Regulation Y and *C&S/Sovran Order*;

(h) C&S/Sovran Capital Management Corporation, Richmond, Virginia, and thereby engage in providing investment management, portfolio management and advisory services to corporate, institutional and individual investors, pursuant to § 225.25(b)(4) of the Board's Regulation Y and *C&S/Sovran Order*;

(i) Suburban Service Corporation, Bethesda, Maryland, and thereby engage in the installation of, and provision of support services to, automated teller machines, and the management of electronic funds transfer switches through GFS Financial Services Joint Venture, a joint venture with Giant Automatic Money Systems, a wholly owned subsidiary of Giant Foods, Inc., Landover, Maryland, pursuant to § 225.25(b)(7) of the Board's Regulation Y and *C&S/Sovran Order*;

(j) Cash Flow, Inc., Norfolk, Virginia, and thereby engage in providing electronic funds transfer services, pursuant to § 225.25(b)(7) of the Board's Regulation Y and *C&S/Sovran Order*;

(k) Southeast Switch, Inc., Maitland, Florida, and thereby engage in providing electronic funds transfer services, pursuant to § 225.25(b)(7) and (11) of the Board's Regulation Y and 76 Federal Reserve Bulletin 1,067 (1990);

(l) Sovran Investment Corporation, Richmond, Virginia, and thereby engage in providing investment banking, securities brokerage and investment and financial advice, including:

(1) Providing discount securities brokerage services;

(2) Buying and selling, as agent on behalf of unaffiliated persons, options on securities issued or guaranteed by the U.S. Government and its agencies and options on U.S. and foreign money market instruments;

(3) Purchasing and selling gold and silver bullion and gold coins solely for the account of customers;

(4) Underwriting and dealing in government obligations and money market instruments;

(5) Providing investment advice relating solely to government obligations and money market instruments;

(6) Providing certain fiduciary services;

(7) Providing cash management services;

(8) Providing certain investment advisory services;

(9) Combining brokerage services with non-fee ancillary investment advice to corporate and other institutional customers in a limited range of nonbank eligible securities;

(10) Underwriting and dealing, to a limited extent, in municipal revenue bonds (including certain industrial development bonds), 1-4 family mortgage-related securities, commercial paper and consumer-receivable-related securities;

(11) Acting as agent for issuers in the private placement of all types of securities, including providing related advisory services;

(12) Purchasing and selling all types of securities on the order of investors as riskless principal;

(13) purchasing and selling mortgage loans and other extensions of credit in the secondary market;

(14) Providing advice with respect to foreign exchange transactions and arranging for the execution of foreign exchange transactions;

(15) Providing financial advice, including providing valuations, fairness opinions and advice in connection with merger, acquisition, divestiture and similar transactions;

(16) Providing advice regarding loan syndications and strategies involving interest rate and currency swaps, interest rate caps, floors and collars and options on such instruments; and

(17) Acting as agent or broker with respect to interests in loan syndications, interest rate and currency swaps, interest rate caps, floors and collars, and options on such instruments.

The activities of Sovran Investment Corporation are authorized by §§ 225.25(b)(1), (4), (15), (16), and (17) of the Board's Regulation Y, and *Sovran Financial Corporation*, 72 Federal Reserve Bulletin 146 (1986); *Sovran Financial Corporation*, 72 Federal Reserve Bulletin 840 (1986); *Sovran Financial Corporation*, 73 Federal Reserve Bulletin 225 (1987); *Sovran Financial Corporation*, 73 Federal Reserve Bulletin 744 (1987); *Sovran Financial Corporation*, 74 Federal Reserve Bulletin 504 (1988); *Sovran Financial Corporation*, 76 Federal Reserve Bulletin 256 (1990); *C&S/Sovran Order*; and *C&S/Sovran Corporation/ Sovran Financial Corporation*, 76 Federal Reserve Bulletin 857 (1990). These activities will be conducted subject to all of the commitments and limitations in the Board's Orders;

(m) C&S/Sovran Credit Corporation, Tucker, Georgia, and thereby engage in making, acquiring and servicing for its own account, or for the account of others, loans secured primarily by second mortgages on real property; making direct consumer installment loans, purchasing consumer installment sales finance contracts, and extending direct loans to dealers through the financing of inventory and working capital loans; and acting as agent in the sale of credit life insurance and accident and health insurance in connection with such loans, pursuant to § 225.25(b)(1), (4), and (8)(i) of the Board's Regulation Y, and *C&S/Sovran Order* and *C&S/ Sovran Insurance Subsidiaries Order*;

(n) VNB Capital Corporation, Norfolk, Virginia, and thereby engage in making or acquiring new loans or other extensions of credit involving construction financing and mortgage lending on residential, multi-family and commercial real estate, pursuant to § 225.25(b)(1) of the Board's Regulation Y and *C&S/Sovran Order*;

(o) Sovran Mortgage Corporation, Richmond, Virginia, and thereby engage in making, acquiring or servicing, for its own account or the account of others, loans secured by mortgages on real property and acting as agent for the sale of credit life insurance, credit accident and health insurance, mortgage redemption and mortgage accident and health insurance directly related to such extensions of credit, pursuant to § 225.25(b)(1) and (8)(i) of the Board's Regulation Y, and *C&S/Sovran Order* and *C&S/Sovran Insurance Subsidiaries Order*; and

(p) Citizens and Southern Mortgage Corporation, Tucker, Georgia, and thereby engage in making, acquiring and servicing, for its own account or the account of others, loans or other extensions of credit secured primarily by first mortgages on real property, pursuant to § 225.25(b)(1) of the Board's Regulation Y and *C&S/Sovran Order*.

NCNB Corporation also intends to acquire indirectly Citizens and Southern International Bank and Citizens and Southern International Bank of Atlanta, which are corporations chartered pursuant to section 25(a) of the Federal Reserve Act. NCNB Corporation also proposes to acquire indirectly the shares of Commerce Trading Corporation, an inactive export trading company subsidiary of C&S/Sovran Corporation, pursuant to section 4(c)(14) of the BHC Act.

In connection with these acquisitions, NCNB proposes to amend and restate its Articles of Incorporation to change its name to "NationsBank Corporation".

Board of Governors of the Federal Reserve System, September 4, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-21614 Filed 9-9-91; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL TRADE COMMISSION

[File No. 902 3110]

American Enviro Products, Inc., et al.; Proposed Consent Agreement with Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, a California-based disposable diapers company and its corporate officers from making unsubstantiated degradability or environmental benefit claims for any plastic product or plastic packaging in the future.

DATES: Comments must be received on or before November 12, 1991.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Michael Dershowitz, FTC/S-4002, Washington, DC 20580. (202) 326-3158.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 5 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for period of a sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Agreement Containing Consent Order to Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of American Enviro Products, Inc., a corporation, and Robert D. Chickering and Michael V. Zullo, individually and as officers of said corporation, hereinafter sometimes referred to as proposed respondents, and it now appearing that proposed respondents are willing to enter into an agreement containing an order to cease and desist from the acts and practices being investigated,

It is hereby agreed by and between American Enviro Products, Inc., by its duly authorized officer, and Robert D. Chickering and Michael V. Zullo, individually and as officers of said corporation, and counsel for the Federal Trade Commission that:

1. Proposed respondent American Enviro Products, Inc. is a California corporation, with its office and principal place of business at 950 Fee Anna Street, Placentia, California 92670.

Proposed respondents Robert D. Chickering and Michael V. Zullo are officers of said corporation. In their respective capacities as officers, they formulate, direct, and control the acts and practices of said corporation, and their business address is the same as that of said corporation.

2. Proposed respondents admit all the jurisdictional facts set forth in the attached draft complaint.

3. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) All claims under the Equal Access to Justice Act.

4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the attached draft complaint, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, indisposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the attached draft complaint, or that the facts as alleged in the attached draft complaint, other than the jurisdictional facts, are true.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the attached draft complaint and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to order to proposed respondents' address as stated in this agreement shall constitute service. Proposed respondents waive any right they might have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or in the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the complaint and the order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

Definition

For purposes of this Order, the following definition shall apply:

"American Enviro plastic product" means any product or product packaging composed of plastic, in whole or in part, that is offered for sale, sold, or distributed to the public by respondents, its successors and assigns, under the "Bunnies" brand name or any other brand name; and also means any plastic product or product packaging that is sold or distributed to the public by third parties under private labeling agreements with respondents, its successors and assigns.

I.

A. *It is ordered* that respondents American Enviro Products, Inc., a corporation, its successors and assigns, and its officers, and Robert D. Chickering and Michael V. Zullo, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, labeling, offering for sale, sale, or distribution of any American Enviro plastic product, including, but not limited to, disposable diapers and their plastic packaging, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, by words, depictions, or symbols:

(1) That any such plastic product is "degradable," "biodegradable," or "photodegradable"; or,

(2) Through the use of such terms as "degradable," "biodegradable," "photodegradable," or any other similar term or expression, that any such plastic product offers any environmental benefits compared to other products when consumers dispose of them as trash that is ordinarily buried in a sanitary landfill or incinerated, unless at the time of making such representation, respondents possess and rely upon a reasonable basis consisting of competent and reliable scientific evidence that substantiates such representation. To the extent such evidence of a reasonable basis consists of scientific or professional tests, analyses, research, studies, or any other evidence based on expertise of professionals in the relevant area, such evidence shall be "competent and reliable" only if those tests, analyses, research, studies, or other evidence are conducted and evaluated in an objective manner by persons qualified to do so, and using procedures generally accepted in the profession to yield accurate and reliable results.

B. *Provided,* however, respondents will not be in violation of this Order, in connection with the advertising, labeling, offering for sale, sale, or distribution of American Enviro plastic products, if they truthfully represent that their plastic products will compost, degrade into usable compost, or otherwise be converted into usable compost, when disposed of in facilities that collect municipal solid waste for composting (that is, the accelerated breakdown of waste into soil-conditioning material), provided that the labeling of such products and any advertising referring to the degradability of such products discloses clearly, prominently, and in close proximity to such representation:

(1) That such products are not designed to degrade in landfills; and either

(2)(a) That facilities to compost such products are generally unavailable in the U.S., or

(2)(b) The approximate percentage of the U.S. population having access to composting programs for such products.

If the advertising and labeling of respondents' plastic products otherwise complies with subpart A of part I of this Order, respondents will not be in violation of this Order if they do not make the disclosures in this proviso (subpart B).

II.

It is further ordered, that respondents American Enviro Products, Inc., a corporation, its successors and assigns, and its officers, and Robert D. Chickering and Michael V. Zullo, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, in

connection with the advertising, labeling, offering for sale, sale, or distribution of any American Enviro-plastic product, including, but not limited to, disposable diapers and their plastic packaging, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, by words, depictions, or symbols, that any such product offers any environmental benefit, unless the specific nature of that benefit is clear from the context or is disclosed clearly, prominently, and in close proximity thereto; and, at the time of making such representation, respondents possess and rely upon a reasonable basis, consisting of competent and reliable scientific evidence that substantiates such representation. For purposes of this provision, a disclosure elsewhere on the product package shall be deemed to be "in close proximity" to such terms if there is a clear and conspicuous cross-reference to the disclosure. The use of an asterisk or other symbol shall not constitute a clear and conspicuous cross-reference. A cross-reference shall be deemed clear and conspicuous if it is of sufficient prominence to be readily noticeable and readable by the prospective purchaser when examining the package.

III.

It is further ordered that for three (3) years from the date that the representations to which they pertain are last disseminated, respondents shall maintain and upon request make available to the Federal Trade Commission for inspection and copying:

A. All materials relied upon to substantiate any representation covered by this Order; and

B. All tests, reports, studies, surveys, or other materials in their possession or control that contradict, qualify, or call into question such representation or the basis upon which respondents relied for such representation.

IV.

It is further ordered that respondent American Enviro Products, Inc., shall distribute a copy of this Order to each of its operating divisions and to each of its officers, agents, representatives, or employees engaged in the preparation and placement of advertisements or other such sales materials covered by this Order.

V.

It is further ordered that respondents shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as a dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations under this Order.

VI.

It is further ordered that each individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. In addition, for a period of five (5) years from the service date of this Order, the respondent shall promptly notify the Commission of each affiliation with a new business or employment whose activities relate to the manufacture, sale, or distribution of plastic products, or of his affiliation with a new business or employment in which his own duties and responsibilities relate to the manufacture, sale, or distribution of plastic products. When so required under this paragraph, each such notice shall include the individual respondent's new business address and a statement of the nature of the business or employment in which such respondent is newly engaged, as well as a description of such respondent's duties and responsibilities in connection with the business or employment. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this Order.

VII.

It is further ordered that respondents shall, within sixty (60) days after service of this Order upon them, and at such other times as the Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from respondents American Enviro Products, Inc., a California corporation, and Robert D. Chickering, and Michael V. Zullo, individually and as officers of the corporation.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

This matter concerns the package labeling and advertising of American Enviro Products, Inc.'s "Bunnies" disposable diapers. The Commission's complaint charges that the respondents' labeling and advertising contained unsubstantiated representations concerning "Bunnies" diapers' alleged biodegradability and the environmental benefits that could be obtained when the diapers were disposed of as trash. The complaint alleges that the respondents represented that "Bunnies" disposable diapers offer a significant environmental benefit when consumers dispose of them as trash, and that "Bunnies" diapers will completely break down, decompose, and return to nature within 3–5 years.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent the respondents from engaging in similar acts and practices in the future.

Part I of the proposed order requires the respondents to cease representing that any plastic product or plastic packaging is "degradable," "photodegradable," or "biodegradable," or more specifically, through the use of such terms or substantially similar terms, that such plastic products offer any environmental benefits compared to other products when disposed of as trash that is ordinarily buried in a sanitary landfill, or incinerated, unless the respondents have a reasonable basis for such representations at the time they are made. Part I also contains a proviso that allows the respondents to advertise certain plastic products as "compostable" or "degradable" without violating part I of the proposed order. The respondents may use the terms if such products can be converted into usable compost (soil conditioning material) in municipal solid waste composting programs, and if they disclose, clearly, prominently, and in close proximity to such claims, either that facilities for composting such products are generally unavailable in the United States, or the approximate percentage of the U.S. population that has access to facilities for composting such products. Furthermore, respondents must also disclose that such products are not designed to degrade in landfills.

Part II of the proposed order provides that if the respondents represent in advertising or labeling that their plastic products offer any environmental benefit, they must have a reasonable basis consisting of competent and

reliable scientific evidence that substantiates the claims. Further, to ensure compliance with this provision, the order requires the respondents to disclose specifically what they mean by the claims, if it is not clear from the context.

The proposed order also requires the respondents to maintain materials relied upon to substantiate claims covered by the order, to distribute copies of the order to certain company officials and employees, to notify the Commission of any changes in corporate structure that might affect compliance with the order, to notify the Commission of any changes in the business or employment of the named individual respondents, and to file one or more reports detailing compliance with the order.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,

Secretary.

[FR Doc. 91-21642 Filed 9-9-91; 8:45 am]

BILLING CODE 6750-16-M

[File No. 892 3107]

Automatic Data Processing, Inc., et al.; Proposed Consent Agreement With Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, a New Jersey based company and its subsidiary from making misrepresentations concerning the advantages of financing purchases, and from selling or licensing software or printed materials the firm knows or should know are likely to be used to misrepresent comparative costs.

DATES: Comments must be received on or before November 12, 1991.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: John Lefevre, FTC/S-4429, Washington, DC 20580. (202) 326-3209.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commision Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Agreement Containing Consent Order To Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Automatic Data Processing, Inc., a corporation, and ADP, Inc., a corporation, and it now appearing the Automatic Data Processing, Inc., and ADP, Inc., hereinafter sometimes referred to as proposed respondents, are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between Automatic Data Processing, Inc., and ADP, Inc. and their duly authorized officer, their attorney, and counsel for the Federal Trade Commission that:

1. Respondents Automatic Data Processing, Inc., and ADP, Inc., are corporations organized, existing and doing business under and by virtue of the laws of the State of Delaware. Respondents have their principal office and place of business at One ADP Boulevard, Roseland, N.J. 07068.

Respondent Automatic Data Processing, Inc., dominates and controls the acts and practices of its wholly-owned subsidiary, ADP, Inc.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect hereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondents' address as stated in this agreement shall constitute service. Proposed respondents waive any rights they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

I.

It is ordered that respondents Automatic Data Processing, Inc., a corporation, ADP, Inc., a corporation, and their successors and assigns.

agents, representatives, and employees, directly or through any corporation, partnership, unincorporated association, division, or other device, in connection with the licensing, sales, and service of computer software and hardware, do forthwith cease and desist from:

(1) Representing in any manner, directly or by implication, that a consumer can save money by financing rather than paying cash for a purchase, when the interest rate for the financing is higher than the rate the consumer would receive on the funds to be used to make the cash payment;

(2) Misrepresenting in any manner, directly or by implication, through the use of terms such as "cash comparison," "net difference," or other terms used in any computer printout or other statement, that the printout or other statement accurately describes the amount (if any) that the consumer can save by financing or arranging for financing through respondents' clients rather than by paying cash for a purchase;

(3) Misrepresenting in any other manner, directly or by implication, the comparative cost to a consumer of financing a purchase as opposed to paying cash for it; and

(4) Selling, licensing, continuing to license or otherwise providing software or printed materials to any person when respondents know or should know that the software or printed materials are likely to be used to misrepresent in any manner, directly or by implication, the comparative cost to a consumer of financing a purchase as opposed to paying cash for it.

II.

It is further ordered that respondents shall, in conjunction with their next Routine Release of their "Onsite Plus Finance & Insurance" computer software (the "Software"), but in any case within ninety (90) days of the date of service of this Order, notify, through a letter in the form set out in Attachment A, all purchasers or licensees of the Software that:

(1) Respondents have entered into a consent agreement with the Federal Trade Commission to cease and desist from the use of the "Cash Comparison" screen and printout in the Software, and they will no longer be available as part of the software package;

(2) Because use of such screen and printout may mislead consumers, the purchaser or licensee should immediately discontinue such use.

For purposes of this paragraph, the term "Routine Release" means an update of respondents' computer software package, containing improvements, additions, and/or corrections, that is or may be periodically provided to purchasers and licensees of respondents' software and which such purchasers and licensees are contractually obligated to install on their computer systems.

III.

It is further ordered that respondents shall maintain for at least three (3) years and, upon request, make available to the Federal Trade Commission for inspection and copying, documentation of their compliance with this order.

It is further ordered that respondents shall notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporations that may affect compliance obligations arising out of this order.

It is further ordered that respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Attachment A

Dear Client: Automatic Data Processing, Inc., and its subsidiary, ADP, Inc. (collectively referred to as "ADP"), have entered into a consent agreement with the Federal Trade Commission (FTC) to stop providing, selling, licensing or otherwise supplying you with the "Cash Comparison" screen and printout in our Onsite Plus Finance & Insurance software. According to the FTC, use of the screen and printout conveys the erroneous impression that a consumer will save money by financing or arranging for financing rather than paying cash. The FTC alleges that, because the consumer will not save money by financing, this representation is false and misleading and a violation of the Federal Trade Commission Act. The FTC has not otherwise challenged the software.

As of [date], ADP updated its Onsite Plus Finance & Insurance software and removed the "Cash Comparison" screen and printout from this software package. As you know, your licensing agreement with ADP requires you to promptly install all such updates. Therefore, you are not authorized to use the "Cash Comparison" and continued use of the "Cash Comparison" will be a violation of your license. Because the screen and printout may be misleading to consumers, you should immediately stop using them. You should also be aware that the FTC has taken the position that the use of any such comparison, whether manually created or computer generated, may be deceptive and misleading and a violation of Federal law.

Sincerely yours,

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement containing a consent order from Automatic Data Processing, Inc., a corporation, and ADP, Inc., a corporation (collectively referred to as "ADP").

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Under the proposed agreement, ADP will cease and desist from providing computer software that automobile dealers have used to produce a computer display and printout called a, "cash comparison." According to the complaint accompanying the proposed order, the "cash comparison" conveys the false impression that consumers can save money by financing a vehicle purchase rather than paying cash for the vehicle. The complaint alleges that by disseminating the cash comparison, ADP engaged in an unfair or deceptive act or practice in violation of section 5(a) of the Federal Trade Commission Act.

The complaint also alleges that ADP engaged in an unfair or deceptive practice by misrepresenting, directly or by implication, that the number shown as the "NET DIFFERENCE" on its computer display and printout is an amount that a consumer would save by financing or arranging for financing through ADP's clients rather than redeeming a certificate of deposit and paying cash. Further, the complaint alleges that ADP violated the Act by representing that the screen and printout are a valid comparison of the cost of financing with the cost of redeeming a certificate of deposit and paying cash. Finally, the complaint alleges that ADP engaged in an unfair or deceptive act or practice by placing in the hands of others the means and instrumentalities to use false and misleading representations.

The consent order contains provisions designed to prevent ADP from engaging in similar allegedly illegal acts and practices in the future.

Specifically, part I of the order requires ADP to cease and desist from representing, directly or by implication, that a consumer can save money by financing rather than paying cash for a

purchase, when the interest rate for the financing is higher than the rate the consumer would receive on the funds to be used to make the cash payment; misrepresenting, through the use of terms such as "cash comparison" or "net difference," that a consumer can save money by financing or arranging for financing through ADP's clients rather than by paying cash; and misrepresenting the comparative cost to a consumer of financing a purchase as opposed to paying cash for it.

Further, ADP must cease and desist from selling or licensing software or printed materials to any person when ADP knows or should know that the software or printed materials are likely to be used to misrepresent the comparative cost to a consumer of financing a purchase as opposed to paying cash for it.

Part II of the order requires ADP to notify all purchasers and licensees in writing, during the next release of the computer software at issue and in any event within ninety (90) days of the date of service of the order, that ADP will no longer use the "cash comparison" display and printout, and will no longer make them available to dealers. ADP must also tell its customers that they should immediately stop using the software because the display and printout may mislead consumers.

Part III requires ADP to maintain documentation of its compliance with the order for at least three (3) years and make the documentation available to the Commission upon request.

Part IV requires ADP to notify the Commission at least thirty (30) days prior to any proposed change in its corporate structure that might affect its compliance with the order.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,

Secretary.

[FR Doc. 91-21643 Filed 9-9-91; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. 9244]

Diethelm Holding (U.S.A.) LTD.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a New York based producer of telescopes, for a period of ten years, to seek prior Commission approval for certain mergers or acquisitions.

DATES: Complaint issued November 28, 1990. Order issued August 19, 1991.[1]

FOR FURTHER INFORMATION CONTACT: Claudia Higgins, FTC/S-2308, Washington, DC 20580. (202) 326-2682.

SUPPLEMENTARY INFORMATION: On Wednesday, May 29, 1991, there was published in the **Federal Register**, 56 FR 24195, a proposed consent agreement with analysis In the Matter of Diethelm Holding (U.S.A.) LTD., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

Authority: (Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18.

Donald S. Clark,

Secretary.

[FR Doc. 91-21644 Filed 9-9-91; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. 9244]

Harbour Group Investments, L.P.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Missouri producer of telescopes, for a period of ten years, to seek prior Commission approval for certain mergers or acquisitions.

DATES: Complaint issued November 28, 1990. Order issued August 19, 1991.[1]

FOR FURTHER INFORMATION CONTACT: Claudia Higgins, FTC/S-2308, Washington, DC 20580. (202) 326-2682.

SUPPLEMENTARY INFORMATION: On Wednesday, May 29, 1991, there was published in the **Federal Register**, 56 FR 24195, a proposed consent agreement with analysis In the Matter of Harbour Group Investments, L.P., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered in order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Donald S. Clark,

Secretary.

[FR Doc. 91-21645 Filed 9-9-91; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Cooperative Agreement to Support a National Center for Food Safety and Technology; Intent To Renew a Cooperative Agreement

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its intention to accept and consider a single source application for the award of a cooperative agreement to the Illinois Institute of Technology (IIT) to support the National Center for Food Safety and Technology (NCFST), which is located on IIT's Moffett Campus in Bedford Park, IL 60638. Competition is limited to IIT because: (1) IIT has the unique capability to bring together diverse perspectives on food safety; (2) IIT has access to the exceptional combination of scientific expertise, pilot plants, and research facilities necessary to focus those perspectives on cooperative food safety programs; and (3) IIT has a cooperative food safety research program and an academic degree program in food safety underway. This is the first American effort to join the resources of government, academia, and

industry in a consortium to study issues of food safety.

ADDRESSES: An application is available from and should be submitted to: Robert L. Robins, State Contracts and Assistance Agreements Branch (HFA-520), Food and Drug Administration, Park Bldg., room 3-20, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6170. Applications hand carried or commercially delivered should be addressed to the Park Bldg., room 3-20, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Regarding the administrative and financial management aspects: Robert L. Robins, (address above).

Regarding the programmatic aspects: Karen Carson, Center for Food Safety and Applied Nutrition (HFF-410), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0110.

SUPPLEMENTARY INFORMATION: FDA is announcing its intention to accept and consider a single source application from IIT for a cooperative agreement to support the NCFST. FDA's authority to enter into grants and cooperative agreements is set out in section 301 of the Public Health Service Act (42 U.S.C. 241). FDA's research program is described in the Catalog of Federal Domestic Assistance No. 93.103. Before entering into cooperative agreements, FDA carefully considers the benefits such agreements will provide to the public.

ITT's application for this award will undergo dual peer review. An external review committee of experts in food science research will review and evaluate the application based on its scientific merit. A second level review will be conducted by the National Advisory Environmental Health Science Council.

I. Background

In the May 3, 1988 **Federal Register** (53 FR 15736), FDA published a request for application for a cooperative agreement to establish a National Center for Food Safety which joins the resources of government, academia, and industry in a consortium to study questions of food safety. FDA awarded the cooperative agreement to IIT in September, 1988. Proposals received were competitively reviewed by a panel of non-FDA food scientists, and the award approved by the National Advisory Environmental Health Science Council in September, 1988.

Under the cooperative agreement, IIT has established and staffed NCFST at ITT's Moffett Campus in Bedford Park, Illinois. Other participants in this effort are the IIT Research Institute, the Food Science Department of the University of Illinois, Urbana-Champaign, FDA, and industry. NCFST is structured so that representatives of participating organizations play a role in establishing policy and administrative procedures, as well as identifying long- and short-term research needs. With this organizational structure, NCFST is able to build cooperative programs focused on food safety on a foundation of knowledge about current industrial trends in food processing and packaging technologies, regulatory perspectives from public health organizations, and fundamental scientific expertise from academia.

II. Mechanism of Support

A. Award Instrument

Support for this program, if granted, will be in the form of a cooperative agreement. In 1991, FDA is providing $2,000,000 for this award. The award will be subject to all policies and requirements that govern the research grant programs of the Public Health Service (PHS), including the provisions of 42 CFR part 52, 45 CFR part 74, and PHS grants policy statement.

B. Length of Support

The length of support will be 1 year with the possibility of an additional 2 years of noncompetitive support. Continuation, beyond the first year, will be based upon performance during the preceding year and the availability of Federal fiscal year appropriations.

III. Reasons for Single Source Selection

FDA believes that there is compelling evidence that IIT is uniquely qualified to fulfill the objectives of the proposed cooperative agreement. IIT's Moffett Campus, where NCFST is located, is a unique research facility which includes an industrial-size pilot plant and smaller pilot plants, laboratories, offices, containment facilities, classrooms, and support facilities which permit research from benchtop to industrial-scale. The industrial-size pilot plant is built to accommodate routine food processing and packaging research in a commercial atmosphere. The physical layout of the plant provides maximum versatility in the use and arrangement of equipment of both commercial and pilot size, and in the capability to simultaneously operate several different pieces of equipment without interference with each other. In addition to facilities to conduct routine processing research, there are facilities suitable for more complex research, notably a new biotechnology research facility, funded by the State of Illinois, for scale-up and downstream processing and purification research. Other facilities include containment facilities in which research involving use of components that may be potentially hazardous, such as pathogens in pasteurization or modified atmosphere packaging research, may be conducted.

Since 1988, IIT has provided an environment in which scientists from diverse backgrounds—academia, government, and industry—have brought their unique perspectives to focus on contemporary issues of food safety, NCFST functions as a neutral ground where scientific exchange, about generic food safety issues, occurs freely and is channeled into the design of cooperative food safety programs. For example, a research planning meeting was held to discuss the status of plastics recycling for food container use. This meeting brought together NCFST participants with expertise and knowledge about plastics recycling (representatives of government, academia, and industry) to discuss the status of recycling research in the U.S. industry and regulatory perspectives. The object of the meeting was to design cooperative research which would complement work being done by other researchers, fill existing gaps in knowledge and expertise associated with recycled plastic packaging materials, and answer questions about safety and use of these materials. This research is currently underway.

In addition to research on recycled plastics for food container use, the cooperative research program, currently in progress, investigates safety aspects of biotechnological and fermentation techniques, validation of critical controls in computerized and automated processing lines, and formation of potentially detrimental compounds during high-temperature processing. This cooperative research will provide fundamental food safety information, in the public domain, for use by all segments of the food science community in product and process development, regulatory activities, academic programs, and consumer programs.

An academic degree program (which is not part of the cooperative agreement) in food safety science has been inaugurated at IIT. The program will produce graduates with a foundation in food science and technology with specialization in food safety. Graduates from this program will manage quality control, safety assurance, and hazard analysis and critical control points programs is industry. They will design equipment and processes for use in the production and packaging of safe food products. In public, regulatory, and other

public health organizations, these graduates will evaluate the adequacy of processing and packaging parameters to produce safe endproducts and they will manage regulatory and information programs enhancing the safety of the food supply and consumer knowledge about the food supply. Graduate students from IIT and the University of Illinois are gaining hands-on experience in food safety by participating in the cooperative food safety research program.

Collaboration between the public and the private sector is an efficient means for both to remain current with scientific and technical accomplishments from a food safety perspective. These collaborative programs will produce generic knowledge and expertise to be used by all segments of the food processing and packaging industry, as well as by public health organizations, regulatory, agencies, and academic institutions in the performance of their roles in the food science community. Technology transfer mechanisms, which will develop out of the cooperative food safety programs, will facilitate the movement of advanced food processing and packaging technologies into the marketplace, while assuring the safety of those products.

IV. Reporting Requirements

Program progress reports and financial status reports will be required quarterly, based on date of award. These reports will be due within 30 days after the last day of each quarter. A final program progress report and financial status report will be due 90 days after expiration of the budget period of the cooperative agreement.

V. Delineation of Substantive Involvement

Substantive involvement by the awarding agency is inherent in the cooperative agreement award. Accordingly, FDA will have substantial involvement in the program activities of the project funded by the cooperative agreement. Substantive involvement includes, but is not limited to, the following:

1. FDA will appoint a project officer or coproject officers who will actively monitor the FDA-supported program under this award.

2. FDA shall have prior approval on the appointment of all key administrative and scientific personnel proposed by the grantee.

3. FDA will be directly involved in the guidance and development of the program and of the personnel management structure for the program.

4. FDA scientists will participate, with the grantee, if the grant is awarded in determining and carrying out the methodological approaches to be used. Collaboration will also include data analysis, interpretation of findings, and, where appropriate, coauthorship of publications.

Dated: September 3, 1991.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 91-21593 Filed 9-9-91; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 91D-0202]

Points to Consider for Internal Reviews and Corrective Action Operating Plans; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a document entitled, "Points to Consider for Internal Reviews and Corrective Action Operating Plans." The document describes actions that applicants may take to affirm the validity of data in premarket applications for FDA regulated products when those data have been called into question by FDA because of fraud, untrue statements of material facts, bribery, and illegal gratuities. The document provides guidance related to FDA's policy document entitled, "Fraud, Untrue Statements of Material Facts, Bribery, and Illegal Gratuities," published elsewhere in this issue of the **Federal Register.**

ADDRESSES: "Points to Consider for Internal Reviews and Corrective Action Operating Plans" may be ordered from National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Rd., Springfield, VA 22161. Orders must reference NTIS order number PB 91-228106 and include payment of $17 for each paper copy or $9 for each microfiche copy of the document. Payment may be made by check, money order, charge card (American Express, VISA, or MasterCard), or billing arrangements made with NTIS. Charge card orders must include the charge card account number and expiration date. For telephone orders or further information on placing an order, call NTIS at 703-487-4650. "Points to Consider for Internal Reviews and Corrective Action Operating Plans" is available for public examination in the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mischelle B. Ledet, Division of Compliance Policy (HFC-230), Food and Drug Administration, 5600 Fisheries Lane, Rockville, MD 20857, 301-443-1500.

SUPPLEMENTARY INFORMATION: FDA is announcing the availability of a document entitled, "Points to Consider for Internal Reviews and Corrective Action Operating Plans." The document describes actions that applicants may take to affirm the validity of data in premarket applications for FDA regulated products when those data have been called into question by FDA because of fraud, untrue statements of material facts, bribery, and illegal gratuities. The document provides guidance on conducting internal reviews and on developing and implementing corrective action operating plans recommended in FDA's policy document entitled, "Fraud, Untrue Statements of Material Facts, Bribery, and Illegal Gratuities" (fraud policy). Notice of FDA's fraud policy is published elsewhere in this issue of the **Federal Register.**

The statements made in the "Points to Consider for Internal Reviews and Corrective Action Operating Plans" document do not establish criteria, standards, or requirements that bind FDA or any applicant. The document also does not create or confer any rights, privileges, or benefits on or for any person.

Dated: July 1, 1991.

David A. Kessler,

Commissioner of Food and Drugs.

[FR Doc. 91-21591 Filed 9-9-91; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 90N-0332]

Fraud, Untrue Statements of Material Facts, Bribery, and Illegal Gratuities; Final Policy

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its final policy on "Fraud, Untrue Statements of Material Facts, Bribery, and Illegal Gratuities" (fraud policy). The policy sets forth FDA's general approach regarding applicants that seek to subvert the agency's review and approval processes for premarket applications. The policy also outlines

recommended corrective actions by which applicants may seek to restore FDA's confidence in their integrity and permit the agency to proceed with substantive scientific review of their premarket applications. The final policy is being issued as Compliance Policy Guide (CPG) 7150.09.

EFFECTIVE DATE: September 10, 1991.

ADDRESSES: CPG 7150.09 may be ordered from National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Rd., Springfield, VA 22161. Orders must reference NTIS order number PB 91-228098 and include payment of $9 for each paper or microfiche copy. Payment may be made by check, money order, charge card (American Express, Visa, or Mastercard), or billing arrangements made with NTIS. Charge card orders must include the charge card account number and expiration date. For telephone orders or further information on placing an order, call NTIS at 703-487-4650. CPG 7150.09 is available for public examination in the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mischelle B. Ledet, Division of Compliance Policy (HFC-230), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1500.

SUPPLEMENTARY INFORMATION: As a result of activities involving fraud, untrue statements of material facts, bribery, and illegal gratuities (wrongful acts) by some manufacturers of generic human drugs, FDA has investigated and assessed various efforts to subvert the integrity of the agency's review processes. In its investigations resulting from illegal gratuities provided to FDA employees and fraud and discrepancies in data submissions, FDA uncovered broader patterns of fraud and discrepancies in applications to the agency that raise serious questions as to the reliability of all data submissions by those applicants offered to demonstrate product safety and efficacy. FDA, therefore, developed an approach to ensure validity of data called into question by such wrongful acts and to remove from the market products for which application approval was based on fraudulent data..

In the **Federal Register** of December 21, 1990 (55 FR 52323), FDA published its proposed policy on "Fraud, Material False Statements, Bribery, and Illegal Gratuities." The proposed policy described the agency's approach regarding data submissions from applicants who have sought to subvert the agency's review and approval of premarket applications. The proposed policy also outlined corrective actions by which applicants that have engaged in such subversion may seek to restore FDA's confidence in the integrity of data in their applications and permit the agency to proceed with substantive scientific review of that data.

FDA requested comments on the proposed policy by January 22, 1991. FDA subsequently extended the comment period to February 21, 1991. Notice of this extension was published in the **Federal Register** of January 25, 1991 (56 FR 2929).

FDA received 16 letters of comment on the proposed policy. Eight of the letters were from trade associations, five from drug manufacturers, one from a consumer group, one from a member of Congress, and one unsigned. A summary of the issues raised by the comments and the agency's responses to those issues are as follows:

I. Comments

1. One comment expressed concern that FDA did not define the terms "fraud, material false statements, bribery, or illegal gratuities." The comment indicated there can be a substantial difference between fraud, bribery, and illegal gratuities, on one hand, and material false statements, on the other.

FDA is using the phrase "untrue statements of material facts," in the final policy rather than "material false statements." The phrase "untrue statements of material facts" is consistent with the language in the Federal Food, Drug, and Cosmetic Act (the act) (see, e.g., sections 505(e)(5) and 512(e)(1)(D)) (21 U.S.C. 355(e)(5) and 360b(e)(1)(D)). The terms "fraud, untrue statements of material facts, bribery, and illegal gratuities" are used consistent with their common meanings.

2. A few comments argued that the fraud policy should be promulgated under section 701 of the act (21 U.S.C. 371) as a binding, enforceable rule. One comment cited several court cases to support this position. The comments argued that denial of an application to market a drug or other product constitutes substantive agency action materially affecting the economic and proprietary rights of applicants and binds the applicants involved. One comment argued that the fraud policy defines "principles" for denial or withdrawal of approval that are substantive, not interpretative in nature, and warrant the adoption of regulations.

FDA does not agree that the fraud policy is a substantive rule or that the cited cases require that the rule be issued under section 701 of the act. (See *Vietnam Veterans of America* v. *Secretary of the Navy*, 843 F.2d 528, 530 (D.C. Cir. 1988); *American Hospital Ass'n* v. *Bowen*, 834 F.2d 1037, 1046 (D.C. Cir. 1987); *Mada-Luna* v. *Fitzpatrick*, 813 F.2d 1006, 1015-1016 (9th Cir. 1987); *Information Systems & Networks Corp.* v. *Adbnor*, 687 F. Supp. 674, 679 (D.D.C. 1988); see also *Foundation on Economic Trends* v. *Johnson*, 661 F. Supp. 107 (D.D.C. 1986).) The fraud policy does not establish any requirement that is binding upon any applicant or upon the agency. The fraud policy does not require any act on the part of any applicant, nor does it provide any interpretation or establish any standard by which FDA will determine whether an applicant's behavior is illegal or whether an application contains invalid data or is otherwise legally deficient. The policy is a directive to FDA managers to ensure, to the extent allowed by law and reasonably possible, that:

a. Agency decisions on pending applications are made based upon reliable data;

b. Agency resources are not wasted on reviews of data that are invalid;

c. Pending applications containing fraudulent data are removed from the review process;

d. Approval of applications containing fraudulent data is withdrawn; and

e. Marketed products that may be affected by wrongful acts do not pose a threat to public health.

3. One comment urged FDA to insist on full cooperation of suspect applicants to ensure that FDA investigative activities have not been impeded or obstructed. One comment noted that because a policy statement lacks the force and effect of law, FDA must be prepared to support and defend its actions pursuant to the policy statement in each case to which the policy is applied. The comment indicated agreement with the need to require corrective actions when an applicant has engaged in wrongful acts, but questioned how FDA will enforce its policy of corrective actions if an applicant declines to undertake those corrective actions voluntarily.

The first corrective action identified in the fraud policy is full cooperation by the applicant. FDA expects applicants, including all levels of the applicant's management and staff, to demonstrate active and effective efforts to identify the full scope of the wrongful acts and to implement corrective actions. FDA recognizes, however, that the fraud policy does not impose a legal

requirement that applicants implement the corrective actions recommended in the policy. FDA will rely on traditional regulatory and administrative remedies when applicants do not voluntarily undertake necessary corrective actions.

4. One comment contended that sanctions against an applicant that has deliberately submitted false or fraudulent data should be increased. The comment noted that the requirement to submit a newly certified application is not sufficient to guarantee rehabilitation of the applicant's character and does not provide a guarantee that a renewed application provides accurate and reliable information. The comment suggested that any applicant who has submitted fraudulent data or information has demonstrated such a fundamental lack of character and integrity that its applications are unqualified for agency approval, at least on the specific subject of the fraudulent application. The comment stated that FDA's policy should be amended to provide that when FDA finds that an applicant has engaged in deliberate, wrongful misconduct associated with a marketing application, the applicant is barred from receiving approved for that application and, in instances of repeated wrongdoing, is barred from approval of any application.

The fraud policy does not establish or impose any new sanctions for wrongful acts. The stated, general objective of the fraud policy, to refuse to approve, or to proceed to withdraw approval of, application containing fraudulent data, is an exercise of agency discretion under the existing statutes and regulations. The agency does not have express statutory authority to impose the suggested penalty of debarment. Although the Department of Health and Human Services (HHS) advanced legislation introduced last year during the 101st session of Congress to provide such authority to FDA, the legislation was not enacted.

5. Several comments requested that applicants be notified of any allegations of wrongdoing and that they be permitted to respond to those allegations prior to any agency action. Several comments suggested that those accused of wrongdoing should be afforded an opportunity for a hearing prior to conducting a validity assessment of deferring substantive scientific review of their applications.

FDA intends ordinarily to notify applicants of wrongdoing and, in some instances, even of suspected wrongdoing associated with their applications. The agency will attempt to provide notification, to the extent reasonably possible, when a significant question has been raised regarding a pending application that requires a validity assessment. Each FDA center will develop procedures to provide such notice, consistent with the priorities, statutory provisions, and regulations applicable to that center's review process. Under this policy, conducting a validity assessment ordinarily will require further information from the applicant, and the applicant's ability to respond promptly may affect the time required for completion of review for final action on the application.

FDA does not agree that a hearing must be held prior to conducting a validity assessment. The fraud policy neither requires nor precludes any FDA center from providing an opportunity for an applicant to present its views prior to the agency's conducting a validity assessment or prior to deferring substantive scientific review pending the outcome of a validity assessment. An agency decision to assess data prior to the normal scientific review of an application does not constitute a sanction or final agency action on the application. Deferral of substantive data review under these circumstances will help ensure that FDA's limited resources are not wasted in reviewing invalid data, and that applications are approved based on valid data. As before the fraud policy was developed, final agency action to refuse to approve a pending application or to withdraw an approved application will be taken under the procedures set forth in the statutory provisions and regulations applicable to the particular review process.

6. One comment expressed concern because the fraud policy provides that FDA may defer substantive review of all pending applications or may withdraw all applications submitted by an applicant suspected of misconduct. The comment disagreed with FDA's statement that deferral of substantive data review does not constitute a disqualification or debarment of the applicant. The comment argued that such deferral would constitute permissive debarment of a suspected applicant and that FDA currently lacks statutory authority for debarment. The comment further stated that the act does not authorize FDA to preclude an applicant from obtaining approval of submitted applications that are unrelated to the suspect drug application, which would be the practical effect of the policy of deferral of substantive review. Therefore, the comment opposed extending the fraud policy to applications submitted under section 505(b) of the act that are not directly or substantially affected by the wrongful acts. Another comment questioned the appropriateness of extending the fraud policy to applications other than abbreviated new drug applications for generic drugs.

FDA does not agree that the deferral of substantive data review under the fraud policy is equivalent to permissive debarment. The permissive debarment authority proposed in legislation during the 101st session of Congress would have precluded participation by an applicant in agency product approval processes for certain stated periods of time. The fraud policy does not authorize FDA to refuse to process or review a particular application. Although deferral of substantive data review under the fraud policy may affect the timing and nature of FDA's final action on the application, it does not preclude review and approval of the application.

The comment's reference to applications that are "directly and substantially" affected by wrongful conduct is not clear. It is clear, however, based on FDA's experience with investigations of wrongful acts associated with abbreviated new drug applications (ANDA's) for generic drugs, that a policy limiting validity assessments and deferral of substantive scientific review to applications in which the agency has actually discovered evidence of fraud or untrue statements would be inadequate. In each of the cases in which applicants provided illegal gratuities to FDA employees, the applicants were subsequently found to have submitted fraudulent submissions to the agency. In most instances in which FDA discovered fraud or discrepancies in a firm's applications, further investigation revealed fraud and discrepancies in other applications.

FDA cannot assume that applications submitted under section 505(b) of the act, or under other statutory provisions, are different from ANDA's in that they are not susceptible to fraud and untrue statements. Indeed, FDA recently has discovered evidence of untrue statements of material facts in applications submitted for innovative new animal drugs. The fraud policy, therefore, applies to other agency review processes.

7. Two comments cautioned that, for important single-source new chemical entities, approval should not be delayed or the product should not be withdrawn from the market in order to punish an applicant unless the underlying safety or efficacy of that product has been compromised by the improprieties.

Although the fraud policy states, as a general objective, that there should be deferral of substantive scientific review, it does not establish a requirement that each FDA center defer such review in all cases. FDA managers retain sufficient flexibility to continue scientific review and to avoid unnecessary delays in the approval of important new therapies. Each center is responsible for determining its own review priorities. Under the fraud policy, applications for new products that may yield important therapeutic or diagnostic gains, and are assigned a corresponding high review priority, can continue to receive priority review, even though they are subjected to a validity assessment. As under current policy, FDA centers also may consider the public health significance of the product in deciding whether and when to seek the removal of an approved product from the market to the extent they are provided such discretion under law.

8. One comment pointed out that other regulatory agencies have authority to levy substantial civil penalties for willful misstatements. The comment recommended that FDA redouble its efforts to obtain authority from Congress to levy civil penalties against applicants for willful misconduct.

In the Safe Medical Devices Act of 1990, FDA was given authority to impose administrative civil penalties for violations pertaining to medical devices (21 U.S.C. 333(f)). In addition, HHS proposed legislation last year that would establish broad authority to assess administrative civil penalties in appropriate circumstances involving FDA regulated products. HHS currently is considering whether to propose similar legislation in the future.

9. Several comments expressed concern about the threshold for invoking the provisions of the fraud policy. A few comments objected because there is no language in the policy to prevent FDA's indiscriminate or inappropriate use of the policy or to limit FDA's indiscriminate or inappropriate use of the policy or to limit FDA's actions under the policy. A few comments suggested that FDA should establish objective criteria or a reasonable basis for invoking the policy. One comment requested clarification of whether a criminal plea or conviction is necessary to trigger FDA deferral of review of that applicant's pending applications. One comment suggested that FDA defer review of an application based upon reliable information of misconduct, short of a criminal indictment or conviction. Comments also suggested that the policy could be invoked based on a referral, or contemplated referral, for criminal prosecution to the U.S. Department of Justice and based on a prior determination of fraudulent activity by a court of law or an agency finding of such misconduct after an opportunity for a hearing. One comment suggested that any misconduct showing a propensity for untruthfulness is inherently sufficient to defer action on an application.

FDA recognizes that it must have a reasonable basis for requiring validity assessments and deferring substantive review. The validity assessment process will be utilized only when there is a pattern or practice of wrongful conduct that raises a significant question regarding the reliability of the data in an application. The reasonableness of any decision to assess validity will depend on the facts. The fraud policy is not designed to set forth decision criteria or to otherwise restrict the prerogative of each center to question and investigate data submissions. Moreover, FDA questions the appropriateness of using specific milestones in criminal proceedings in determining when it is appropriate to assess data validity in pending applications or to defer substantive data review.

10. A few comments suggested that, prior to invoking the provisions of the fraud policy, FDA be required to establish that there was an intent to defraud or that the applicant knowingly or materially engaged in the fraud or that such acts were part of a pattern or practice by the applicant. One comment pointed out that, although a material false statement might be made with intent to defraud, it is also possible that a material false statement could be made inadvertantly in an application without any intention to defraud or mislead. The comment recommended revising the fraud policy to exclude unintentional false statements. Several comments recommended that, if an applicant inadvertently and unknowingly made a false statement, omission, or clerical error in an application the applicant should be permitted to correct the statement without having to file a new application or implement other corrective actions.

Decisions to conduct validity assessments and defer substantive data review need not be based on a finding of intentional misconduct. Data may be unreliable due to sloppiness and inadvertent errors. A pattern of errors by an applicant involving material subject matter may raise a significant question regarding the general reliability of data in applications from that applicant.

The fraud policy does not address the issue of withdrawal of approval based on an inadvertent submission of an untrue statement of a material fact, a material omission, or a clerical error that could be readily corrected by amending the application. In such cases, FDA may not necessarily require a new application. Such decisions will continue to be made on a case-by-case basis, within the limits of the agency's administrative discretion.

11. One comment stated that if intent to defraud cannot be proven, then it is important to determine whether the fraudulent data were substantive to the approval process. The comment noted that studies that are not pivotal or are not included in the "Summary Basis of Approval" should be extracted from the new drug application (NDA).

Whether or not there is fraud, FDA must assess reliability of data and materially of untrue statements in deciding whether to withdraw an approval. The agency's inquiry will not necessarily be limited to pivotal studies or studies included in the summary basis for approval. Fraudulent data in an application ordinarily should be remedied by withdrawing the application and submitting a new application, even if the data are associated with a "nonpivotal" study.

12. One comment requested clarification of what effect, if any, an investigation by the Department of Justice, by a congressional oversight committee, or by a State enforcement agency would have on the procedures set forth in the policy. The comment suggested that FDA actions on applications containing fraudulent data should be withheld until these bodies of government complete any investigations they have regarding the applicant's conduct. The comment also suggested that when another body of government notifies FDA of an investigation regarding an applicant's conduct, FDA should consider that investigation as a basis for raising "a significant question" within the meaning of the fraud policy, but FDA should independently determine whether a significant question has been raised.

FDA does not agree that the agency should necessarily withhold actions on applications until other government bodies complete their investigations. FDA recognizes the need for government bodies to coordinate related investigations and acknowledges that such coordination may affect the nature and timing of FDA's decisions under the fraud policy. FDA agrees that when an investigation by another government body provides evidence of wrongful acts

by an applicant, FDA ordinarily would need to determine independently the scope of the wrongful acts and their effects on applications submitted to the agency. FDA does not agree that these concerns should be addressed specifically in the fraud policy.

13. One comment indicated that the policy may, in certain circumstances, create a disincentive for compliance. The comment cited the Department of Defense's voluntary disclosure program, which provides incentives for companies to act in a responsible way by establishing a company's voluntary disclosure as a positive factor to be considered by the government in determining whether to take legal action against the company. The comment contended that under FDA's policy, there is no incentive for an applicant to come forward with information to FDA if, for example, the applicant discovers fraud and believes the likelihood of discovery by FDA to be remote.

FDA agrees that the issue of incentives for voluntary disclosure is important, but does not agree that it should be addressed in the fraud policy. The fraud policy addresses concerns over reliability of data and agency review resources. The issue of incentives for voluntary disclosure should be addressed in a broader context that would involve agency policy on civil and criminal sanctions for misconduct.

14. One comment requested that FDA differentiate between suspect applications for which corrective actions, including full cooperation by an applicant with FDA in all of its investigations, have already been taken by the applicant, and applications from applicants who have not so cooperated. The comment identified itself as a party to the generic drugs investigations and pointed out that it had been working cooperatively with FDA to bring its products and procedures into full compliance with FDA's requirements. The comment noted that FDA's Center for Drug Evaluation and Research (CDER) had indicated it would accept and process "in queue" new data submitted to supplement previously approved applications for which validity questions had been raised. The comment noted that it would be inappropriate at this point to require an applicant to return to the starting point by requiring resubmission of its application.

Under the fraud policy, FDA ordinarily will proceed to withdraw approval of applications found to contain fraudulent data. The agency is not prepared to make a general exception to this policy for applicants who cooperate with the agency in its investigations. The agency may distinguish between cooperative and uncooperative companies in other contexts involving civil and criminal sanctions. Moreover, the extent and nature of the applicant's cooperative and corrective actions are likely to influence the ability of the applicant to establish its credibility and the validity of its pending applications.

15. One comment suggested that the final FDA fraud policy should contain a provision that explicitly calls for a revision of the policy upon passage of any legislation that affects the policy. The fraud policy, like any other statement, can be amended whenever appropriate. There is no reason to state this in the policy.

16. One comment requested clarification of the language in paragraph 2 of the "Corrective Actions" section of the proposed policy, which indicated that applicants should, "Identify all individuals involved in committing, or otherwise culpable in the improper acts * * *." One comment requested clarification of the statement, "* * * ensure that they are removed from any substantive authority on matters under the jurisdiction of FDA." The comment pointed out that literally all of the operations of a pharmaceutical company are under the jurisdiction of FDA. The comment also requested FDA to clarify whether the agency expects such employees to be dismissed. A few comments expressed concern about protecting the constitutional rights of individuals by keeping confidential the identity of individuals identified as culpable until there has been a judicial determination that the individual has engaged in illegal behavior.

FDA has revised paragraph 2 of the corrective action provision of the final fraud policy to indicate that applicants should, "Identify all individuals who were or may have been associated with or involved in the wrongful acts and ensure that they are removed from any substantive authority on matters under the jurisdiction of FDA." This provision of the fraud policy neither states nor implies that the employment of such individuals must be terminated. FDA believes that applicants generally can identify or create alternative positions, place individuals on administrative leave, or make other suitable arrangements to remove individuals from substantive authority over matters under FDA's jurisdiction. FDA's policy regarding public disclosure of information about individuals who are suspected of illegal activities predates, and is beyond the scope of, the fraud policy.

17. One comment requested that the fraud policy specify the confidentiality protections that will be provided during the course of a validity assessment.

The fraud policy does not establish any new confidentiality protection or supersede any existing provisions regarding confidentiality. The protection provided under current laws, regulations, and agency policy regarding disclosure of information in or related to marketing applications and to FDA investigations of potential violations of law need not be restated in the fraud policy.

18. One comment noted that paragraph 4 of the corrective actions provision of the policy, which indicates applicants should commit, in writing, to an operating plan, requires much more detail for applicants to know what is expected.

FDA agrees with this comment. Guidance on conducting the internal review and implementing corrective action is provided in FDA's "Points to Consider for Internal Reviews and Corrective Action Operating Plans." The availability of this document is announced elsewhere in this issue of the **Federal Register**.

19. One comment stated that the agency approve a protocol for the internal review (audit) prior to the applicant conducting the review.

FDA recommends that an applicant who conducts an internal review and initiates corrective action under this policy submit its audit plan and corrective action operating plan to the agency for review and comment prior to implementation.

20. One comment contented that FDA does not have authority to require companies to hire outside consultants to conduct internal reviews.

The fraud policy does not impose any requirement on any applicant. The fraud policy describes measures that, based on FDA's past experience with applicants involved in a pattern or practice of wrongful acts, the agency ordinarily would expect an applicant to take to establish the reliability of data in its pending and approved applications.

FDA ordinarily recommends an outside consultant to encourage applicants to retain qualified individuals who have not been associated with the wrongful acts and who can efficiently conduct an unbiased, comprehensive audit that is designed to identify all instances of fraud, untrue statements of material facts, bribery, and illegal gratuities associated with applications. Although FDA also will audit the data and the data collection and recording practices, because of the agency's

limited resources it may be useful for the applicant to conduct an initial audit to identify more quickly wrongful acts associated with applications. Thus, FDA recommends that the applicant supplement the agency's audit process by initiating a credible internal review involving an unbiased individual, or team of individuals, who are qualified by training and experience to conduct such a review. FDA emphasizes that the audits directed by the applicant are intended to supplement, and not substitute for, the agency's own investigation and audits.

21. Several comments requested clarification of who is "qualified" and what is an "outside" consultant. One comment questioned whether a consultant on a yearly retainer for quality assurance and regulatory affairs work would be considered to be a qualified, outside consultant. A few comments suggested that an internal audit team might be qualified to conduct the internal review, provided the team was not responsible for preparing data for marketing applicants, was not involved in the wrongful acts, or was not responsible for auditing the applicant's quality assurance or scientific misconduct control procedures. Comments also noted that outside consultants are not always available or may not have expertise necessary to evaluate the questionable data. One comment suggested allowing the applicant to use their independent quality control unit to conduct the investigation and then, if necessary, an outside consultant.

Consultant qualifications are beyond the scope of the fraud policy. Such qualifications will depend on the nature of the investigations, the products involved, and other specific circumstances. FDA generally has advised that consultants be familiar with the product and operations to be audited, possess the proper mix of education, training, and experience to conduct an appropriate audit, and be free of any past involvement in the wrongful acts or the activities being audited. Although the agency has not precluded the use of a quality assurance group in a remote part of a corporation to appropriately audit another part of the corporation, FDA believes that the mere appearance of bias or interest generally would suggest the use of outside personnel, i.e., persons not currently or previously employed by or affiliated with the applicant.

22. One comment cautioned that FDA should not depend on reviews done internally by the applicant or by an outside consultant who is qualified by training and experience to conduct such a review. The comment referenced a case in which the consultant failed to uncover false statements or fraud in ANDA's.

As stated in response to comment 18, the applicant's internal review involving an outside consultant is intended to supplement, rather than replace, FDA's own investigations and audits. If the consultant conducts an unbiased, comprehensive audit, the reports from that audit may provide the agency with valuable information for determining the extent and focus of FDA's followup. FDA will not accept the consultant's findings without further agency investigation.

23. One comment stated that FDA should inform an applicant of whether its choice of an outside consultant is acceptable to the agency.

The procedures for selecting consultants are beyond the scope of the fraud policy. FDA may request an applicant to explain its selection of a specific consultant (or a member of the audit team) if the consultant's experience and training appear to be incompatible with the audit requirements.

24. One comment suggested that FDA should initially set a baseline requirement that the outside consultant be given access to all of the applicant's records and that the outside consultant should be required to analyze both the type of audit that has been conducted by the applicant internally and the audit itself.

The specific requirements for audits are beyond the scope of the fraud policy. Generally, if the applicant intends to conduct a credible, unbiased, and comprehensive audit, it is reasonable to expect that the consultant will have access to all records and the authority to review and analyze all processes or procedures that are identified as necessary and appropriate for the audit. Further guidance on conducting audits is provided in FDA's "Points to Consider for Internal Reviews and Corrective Action Operating Plans" referenced in response to comment 18.

25. Several comments suggested that deferral of substantive review, pending completion of the validity assessment, should apply only to those applications for which there is a nexus between the application and the wrongful acts and should not apply to an applicant's entire product line. One of the comments further stated that it would be an unfair and inappropriate use of FDA's limited resources to conduct validity assessments for all applications from an applicant when a particular division, research group, or product type was implicated in alleged improper conduct. The comment cited as an example that fraud in connection with an ANDA should not trigger data validity assessments for an NDA.

A validity assessment will ordinarily be triggered by an agency determination that evidence of wrongful acts has raised questions about the reliability of data in an application or applications. The nature of the assessment and the determination of which applications are affected will depend on the facts of the particular case. Thus, the validity assessment process may be narrowly focused on one or a few applications when, for example, the agency concludes that one individual is wholly responsible for the wrongful acts and that the wrongful acts could have affected only the one or a few identified applications. On the other hand, the validity assessment process may be extensive if there is reason to believe that the scope of the wrongful acts may be broader.

FDA does not agree that validity assessment should necessarily be limited to applications for which there is a direct relationship between the wrongful acts and the questioned data. Based on the agency's recent experience, a pattern or practice of wrongful acts may raise a significant question regarding the reliability of many or all of the applications from an applicant.

26. Two comments requested that FDA make a distinction between data generated by the sponsor and data obtained from third party contractors. The comments contended that the policy should not apply to wrongful acts by contractors to the sponsor, e.g., clinical investigators, contract research organizations, and independent laboratories, when the sponsor is unaware of the wrongful acts prior to submission of the data.

In determining the need for and scope of validity assessments, FDA will consider, among other things, the source of the false data, whether the applicant knew or should have known about the false data, and whether the same source has provided data in other applications.

27. One comment noted that the policy should not apply to nonsupportive fraudulent data if the sponsor submits the data under the "full disclosure" requirement and identifies the data as nonsupportive and fraudulent.

FDA agrees that the submission of nonsupportive fraudulent data that is clearly and appropriately identified as nonsupportive and fraudulent, but is submitted to comply with full disclosure

provisions of the act or implementing regulations, should not, in and of itself, be basis for a validity assessment. Such information, however, may prompt FDA to look carefully at the circumstances that led to the generation of the fraudulent data to determine whether other data in that or other applications may have been similarly affected. If FDA establishes a reasonable basis for determining that wrongful acts may have undermined the integrity of data other than that identified by the applicant, the agency may seek to verify the validity of the other data.

28. One comment expressed concern that the fraud policy has been weakened by equivocating language. Examples include the statement indicating that when FDA finds fraud in an application, "the Agency intends *ordinarily* to refuse to approve the application * * *" and the statement indicating, "* * * the Agency intends *generally* to defer substantive review of data * * *" (emphasis added by comment). The comment contended that, to be credible, FDA's enforcement policy must at least implement, without equivocation, the scheme of deferrals and approvals the agency purports to adopt.

The fraud policy is a statement of general policy. Modifiers such as "ordinarily" and "generally" indicate that FDA managers have flexibility in implementing the policy. Under the policy, and consistent with current agency review policy, FDA center management can assess, as appropriate for each review process, the relative public health significance of the product under review and set review priorities for applications requiring validity assessments. Applications for products that may yield important therapeutic or diagnostic gains and that are on an expedited track for substantive data review, such as acquired immunodeficiency syndrome (AIDS) drugs, may continue to be reviewed and may receive priority attention with regard to any validity assessment. Thus, although FDA intends generally to defer substantive review of data in applications implicated by wrongful acts, the agency recognizes that such deferral may not be appropriate in all cases.

29. One comment requested clarification on the process FDA will follow after it determines that the data in an application are unreliable. The comment noted that it appears as if that application will be put on hold until a new application, not simply new data, has been submitted. The comment contended that this seems unduly punitive and resource intensive, particularly if the data are faulty because of errors that were unintentional and inadvertent.

As discussed in response to comment 10, the fraud policy does not address the issue of rehabilitation of applications containing only unintentional or inadvertent errors.

30. One comment requested that new applications submitted to replace false data not be subject to a validity assessment, provided the applicant fulfills the other corrective or remedial actions specified in the fraud policy.

The need for validity assessments for new applications will be determined based on the facts in each case, considering whether a pattern or practice of wrongful acts raises a significant question about the validity of data in the new applications as well as the previously submitted applications.

31. One comment interpreted the fraud policy as applying only to applications for marketing and not to other data submissions such as over-the-counter (OTC) review submissions or citizen petitions. The comment noted that if the policy extends to these other submissions, FDA must provide additional notice and opportunity for comment.

FDA advises that the fraud policy was developed as a statement of general policy for FDA managers to take strong measures to ensure the reliability of data submitted in the context of the agency's licensing, approval, and classification mechanisms. These include the following: (References to the Public Health Service Act are identified. All other references are to the act.)

a. Section 510(k) (21 U.S.C. 360(k)), which implements sections 513(f) (21 U.S.C. 360c(f)) and 513(i) (21 U.S.C. 360c(i)) for determining whether a medical device is substantially equivalent to a marketed medical device;

b. Section 513 (classification of medical devices);

c. Section 514 (21 U.S.C. 360d) (Class II medical devices);

d. Section 515 (21 U.S.C. 360e) (class III medical devices);

e. Section 519 (21 U.S.C. 360i) (records and reports for medical devices);

f. Section 520(g) (21 U.S.C. 360j(g)) (investigational medical devices);

g. Section 409 (21 U.S.C. 348) (food additives);

h. Section 706 (21 U.S.C. 376) (color additives);

i. Section 505(b) (21 U.S.C. 355(b)) (new human drugs);

j. Section 505(j) (21 U.S.C. 355(j)) (new human generic drugs);

k. Section 505(i) (21 U.S.C. 355(i)) (investigational human drugs);

l. Section 512(b) (21 U.S.C. 360b(b)) (new animal drugs);

m. Section 512(m) (21 U.S.C. 360b(m)) (medicated animal feed);

n. Section 512(n) (21 U.S.C. 360b(n)) (new animal generic drugs);

o. Section 512(j) (21 U.S.C. 360b(j)) (investigational animal drugs);

p. Section 507 (21 U.S.C. 357) (antibiotics);

q. Section 801(e) (2) (21 U.S.C. 381(e)(2)) (exportation of certain medical devices);

r. Section 802 (21 U.S.C. 382) (exportation of unapproved new human drugs and new animal drugs, and unlicensed biological products);

s. Section 802(f) (21 U.S.C. 382(f)) (drugs for tropical disease);

t. Section 351 of the Public Health Service Act (biological products);

u. Section 351(h) of the Public Health Service Act (exportation of partially processed biological products); and

v. Section 351 of the Public Health Service Act (establishments that manufacture biological products).

Although the fraud policy is not specifically directed to submissions related to OTC drugs not approved under sections 505(b) and 505(j) of the act or to citizen petitions, the agency may conduct validity assessments to assess reliability of data in those submissions or any other submissions. FDA does not agree that additional opportunity for comment must be provided on possible agency efforts to assess reliability of data in those submissions. As discussed in the response to comment number 28, FDA recognizes that for some review processes the applicant is required to provide the agency with all known data in the public domain. The agency further recognizes that the applicant may have limited information about the reliability of such data and would generally not expect the applicant to vouch for its validity.

32. One comment suggested that the fraud policy indicate that FDA will not make certain other administrative approval determinations, such as those relating to Federal procurement under the government-wide quality assurance program, export certificates, etc., until the applicant has taken appropriate corrective actions and FDA has verified that the corrections are satisfactory.

The fraud policy is designed generally, to ensure reliability of data in applications to FDA and was not designed to address government procurement or other FDA administrative processes. The agency

will, however, consider the violative acts addressed by the fraud policy as appropriate under those administrative processes.

33. One comment suggested that FDA's publicly stated fraud policy should substitute for FDA's unofficial domestic alert list. The comment noted that significant consequences, such as FDA's refusal to process a pending application, to issue export certificates, and to approve a listed company for participation in government contract bids can result from placement of a firm on the domestic alert list, and these consequences are imposed without any due process measures or publicly stated policy. Another comment expressed concern that firms were not able to determine whether they have been placed on FDA's "Alert List."

The fraud policy is a general policy directive designed to ensure reliability of data in applications submitted to the agency and cannot serve as a substitute for the agency's alert system. The concerns expressed about the agency's alert systems are beyond the scops of the fraud policy.

34. One comment suggested that the scope of FDA's fraud policy be limited to fraudulent activities. The comment noted that the proposed corrective actions suggest that an applicant develop written procedures to assure compliance with current good manufacturing practices (CGMP's) and adherence to application requirements and demonstrate such compliance in FDA inspections. The comment indicated that FDA's other enforcement "tools" are better suited to preventing, curbing, and punishing noncompliance with CGMP's or with application requirements.

The fraud policy is not directed toward CGMP violations, generally. In implementing corrective actions based on wrongful acts addressed by the fraud policy, however, applicants may need to revise manufacturing practices, hiring practices, training procedures, and other areas of operations to ensure reliability of data submitted to FDA and to assure safety and, when applicable, the effectiveness of marketed products.

35. Three comments requested that the fraud policy require that all applications, not just abbreviated new drug applications (ANDA's) submitted under section 505(j) of the act (21 U.S.C. 355(j)), that are not found to contain fraudulent data will be returned to the review queue in the same position they were removed from the queue. One comment asked FDA to clarify how NDA's will be treated so that the time period consumed in application review is not extended.

The fraud policy does not address the assignment of application within any review queue. In the preamble to the proposed fraud policy, the agency stated that, for applications submitted under section 505(j) of the act (21 U.S.C. 355(j)), if the agency determined that the data in the application are reliable, the agency would expect to return that application to the review queue in the position it occupied in the review queue, minus the time required for the agency's validity determination. The queue system used for determining review priorities for ANDA's is designed specifically for that review process and is currently being reevaluated by CDER. Each FDA center develops its own procedures for establishing priorities of review.

36. Three comments expressed concern regarding the return of premarket applications to the review process following validity assessment, particularly when rights to exclusivity may exist. The comments contended that, if the agency's suspicions of fraud prove to be unfounded, an applicant's legitimate expectation of obtaining the first approval may be jeopardized.

As discussed in response to comment 35, the fraud policy does not address the assignment of an application within a review queue. Each affected center will establish its procedures for implementing the fraud policy. Moreover, the comments' reference to "an applicant's legitimate expectation of obtaining the first approval" is unclear. Because of the myriad of issues that may arise during review of any application, there is no guarantee that the first application submitted to FDA will be the first approved.

37. One comment stated that, when data in an application are determined to be invalid and a new application is submitted, company executives should not be required to certify the accuracy of the data on the new application because no one can have personal knowledge of all of the data in the application. The comment indicated that, at most, the person submitting the application should certify that the company has taken reasonable steps both to ensure the validity of data generated by the applicant and to audit data prepared by others for inclusion in the application.

FDA recognizes that the official who certifies the truth and accuracy of a new application is not likely to have personal knowledge of all matters related to the development and analysis of the data in the application. The official who signs the application certification is responsible, however, for ensuring that appropriate procedures and controls have been developed and implemented to ensure that data submitted in support of marketing applications are reliable and to ensure that wrongful acts such as those that affected data reliability do not recur. FDA expects these certifications to be based on the signing officials's knowledge that such procedures and controls are in place and are implemented properly.

38. One comment addressed paragraph 4 of the corrective action provision of the fraud policy, which indicates the applicant's chief executive officer should commit, in writing, to an operating plan that "* * * will, as appropriate, address procedures to preclude future instances of fraud and noncompliance with regulatory requirements for approved applications, as well as procedures to preclude any recurrences of other violations which may have been found * * *" (55 FR 52323). The comment stated that this would be difficult for any executive to sign if it is meant to be a guarantee that there will be no future instances of fraud or noncompliance.

FDA realizes that commitment to, and implementation of, an operating plan will not guarantee there will be no future instances of fraud or noncompliance. The commitment to a corrective action operating plan signifies a commitment by the applicant to implement and monitor reasonable and appropriate procedures and controls that will correct identified problems and will, to the extent possible, deter future recurrence of wrongful acts such as those that affected data reliability.

39. One comment requested clarification of whether the applicant's operating plan would also cover regulatory issues unrelated to the fraudulent activity.

The operating plan should identify corrective actions the applicant will implement to ensure that data submitted to support their marketing applications are reliable and that wrongful acts that affect data reliability do not recur. FDA may request the applicant to include in the operating plan procedures to correct other violations and to prevent recurrence of these violations, even though the violations are not directly related to the wrongful acts or to data reliability.

40. One comment requested that the policy provide a timetable fro FDA reinspections to ensure that corrective actions are reviewed in an expeditious manner. FDA believes it is impractical to incorporate into the fraud policy a timetable for FDA reinspection. FDA inspections will be scheduled as appropriate in each case based on consideration of a variety of factors, including FDA's review and inspection

priorities and the applicant's responsiveness in providing FDA with information regarding progress on implementation of the corrective action operating plan.

41. Two comments requested FDA to clarify whether recalls will be required only for those products that are directly associated with the application that contains unreliable data.

FDA may suggest voluntary recall, or may initiate an FDA-requested recall, of any product that is marketed, based on an application that contains data that are deemed by the agency to be unreliable. Decisions regarding products that should be recalled will be made on a case-by-case basis, consistent with FDA's current recall authority, policies, and procedures.

42. The comments requested clarification of whether retesting would be required only if the wrongful acts relate directly to the testing of that product.

FDA may suggest or require retesting of any product that is marketed based on an application containing test data that have been called into question directly or indirectly. Decisions regarding the need for product retesting will be made on a case-by-case basis.

43. With respect to paragraph 4 of the corrective actions provision of the fraud policy, one comment recommended that the agency permit adequate time to institute significant company-wide steps, such as new programs for the reeducation of employees and the creation of new documentation, but not preclude reinstitution of approval procedures for an application if the firm is implementing all necessary corrective steps.

FDA expects the applicant's corrective action operating plan to identify appropriate steps for ensuring the integrity of its applications and marketed products. A timetable for implementing the corrective action operating plan should be established by the applicant. Timeframes for implementing appropriate programs for reeducation of employees and for creating new documentation programs should be incorporated into the action plan timetable. The extent to which these programs will need to be fully implemented, prior to an FDA determination that the data in a particular application are valid, will be evaluated for each particular case.

44. One comment requested that FDA notify the applicant when the validity assessment has been concluded and review has resumed according to normal procedures.

FDA intends to notify the affected applicant of the agency's satisfactory conclusion of any validity assessment.

II. Final Policy

FDA's CPG's are not intended to create or confer any rights, privileges, or benefits on or for any private person, but are intended merely for internal FDA guidance. It is FDA's usual practice to publish in the **Federal Register** only a notice of availability for CPG's. However, because the full text of the proposed fraud policy was published in the **Federal Register** and because revisions have been made to the proposed policy, FDA is publishing the full text of CPG 7150.09 that incorporates the final fraud policy as follows:

Food and Drug Administration Guide 7150.09 Compliance Policy Guides

CHAPTER 50—GENERAL POLICY

Subject: Fraud, Untrue Statements of Material Facts, Bribery, and Illegal Gratuities

Background

The House Subcommittee on Oversight and Investigations began an investigation of wrongful acts involving some manufacturers of generic drugs and some employees of the Food and Drug Administration (FDA) during July 1988. As a result of those investigations and investigations conducted by FDA, four FDA employees were found to have accepted illegal gratuities from generic drug companies, and to date, eleven generic drug companies were found to have falsified data submitted in premarket applications to FDA.

In FDA's investigations, which began as inquiries into illegal gratuities and questionable data submissions, the agency discovered broad patterns and practices of fraud in the applicants' abbreviated new drug applications. The discovery of this extensive pattern of fraudulent data submissions prompted FDA to develop a program (1) to ensure validity of data submissions called into question by the agency's discovery of wrongful acts such as fraud, untrue statements of material fact, bribery, and illegal gratuities and (2) to withdraw approval of, or refuse to approve, applications containing fraudulent data. This guide sets forth the agency's general approach to applications that have been called into question by such wrongful acts and applications found to contain fraudulent data.

Terminology

The terms *applicant* and *application* are used broadly in this policy statement. References to the *applicant* include any person within the meaning of section 201(e) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(e)) who submits to FDA data or other information to influence or support an agency decision regarding approval to market an FDA-regulated product. Actions by an applicant's employees or agents are considered actions by the applicant. References to the *application* include any application, petition, amendment, supplement, or other submission made by an applicant to an agency review process in support of the approval or marketing of a regulated product. These review processes include, but are not limited to, new drug and new animal drug approvals, biological product and establishment licensing, premarket notification, classification, and premarket approval of medical devices, food additive petitions, and color additive petitions. References to data in an application include all data and other information submitted in or in relation to, or incorporated by reference in, the application.

Policy

Validity Assessment

Actions on the part of an applicant to subvert the integrity of an FDA review process through acts such as submitting fraudulent applications, making untrue statements of material facts, or giving or promising bribes or illegal gratuities may call into question the integrity of some or all of the applicant's submissions to the agency. In such cases, FDA will conduct an investigation to identify all instances of wrongful acts and to determine the extent to which the wrongful acts may be affected approved or pending applications. The scope of FDA's investigation will be determined based on the nature of the offense and will focus on the reliability of the applicant's research and manufacturing data. If the wrongful acts have raised a significant question regarding reliability of data in some or all of the applicant's pending applications, FDA ordinarily will conduct validity assessments of those applications.

FDA generally intends to defer substantive scientific review of the data in a pending application undergoing a validity assessment until the assessment is complete and questions regarding reliability of the data are resolved. To approve an application, FDA generally must determine that the applicant is capable of producing a safe and, for some types of applications, an effective

or functional product based on, among other things, testing and other data provided by the applicant and the adequacy of the applicant's manufacturing processes and controls. The principal basis for this determination is the data in the application; therefore, the reliability of data is of critical importance. If the agency determines that the criteria for approval cannot be met because of unresolved questions regarding reliability of data, the agency will not approve the application.

When FDA finds, based on fraudulent data in an application, that the data in the application are unreliable, the agency intends ordinarily to exercise its authority, under applicable statutes and regulations, to refuse to approve the application (in the case of a pending application) or to proceed to withdraw approval (in the case of an approved application), regardless of whether the applicant attempts to replace the unreliable data with a new submission in the form of an amendment or supplement. Thus, if the applicant wishes to replace the false data with a new submission, the new submission should be in the form of a new application. The new application should identify the parts of the original application that were found to be false. The truthfulness and accuracy of the new application should be certified by the president, chief executive officer, or other official most responsible for the applicant's operations.

FDA also may seek recalls of marketed products and may request new testing of critical products. For drugs, for example, retesting may be requested for products that are difficult to manufacture or that have narrow therapeutic ranges. FDA may pursue other actions, including seizure, injunction, civil penalties, and criminal prosecution, under the act or other applicable laws, as necessary and appropriate.

Corrective Actions

The corrective actions an applicant will be expected to take will depend upon the facts and circumstances of each case, the nature of the wrongful acts, the nature of the data under consideration, and the requirements of the particular review process. Applicants who engage in wrongful acts ordinarily will need to take the following corrective actions to establish the reliability of data submitted to FDA in support of pending applications and to support the integrity of products on the market:

1. Cooperate fully with FDA and other Federal investigations to determine the cause and scope of any wrongful acts and to assess the effects of the acts on the safety, effectiveness, or quality of products;

2. Identify all individuals who were or may have been associated with or involved in the wrongful acts and ensure that they are removed from any substantive authority on matters under the jurisdiction of FDA;

3. Conduct a credible internal review designed to identify all instances of wrongful acts associated with applications submitted to FDA, including any discrepancies between manufacturing conditions identified in approved applications and manufacturing conditions during actual production. The internal review is intended to supplement FDA's ongoing, comprehensive investigation to identify all instances of wrongful acts. The internal review should involve an outside consultant or a team of consultants who are qualified by training and experience to conduct such a review. All oral or written reports related to the review that are provided by the consultant to the applicant should be made available simultaneously to FDA for independent verification;

4. Commit, in writing, to developing and implementing a corrective action operating plan to assure the safety, effectiveness, and quality of their products. This commitment ordinarily will be in the form of a consent decree or agreement, signed by the president, chief executive officer, or other official most responsible for the applicant's operations, and submitted to FDA. The corrective action operating plan will, as appropriate, address procedures and controls to preclude future instances of wrongful acts and noncompliance with regulatory requirements for approved applications, as well as procedures and controls to preclude any recurrences of other violations which may have been found (e.g., a comprehensive ethics program).

FDA intends to reinspect the applicant to determine that the internal review has been satisfactorily completed and that the applicant's written corrective action operating plan has been satisfactorily implemented. Such inspections should disclose positive evidence (e.g., effective management controls, standard operating procedures, and corroborating documentation) that the applicant's data are reliable and that the applicant can be expected to manufacture products in compliance with current good manufacturing practices and application requirements. In addition, FDA may request an applicant to commit in writing to retest any product (including, in the case of drugs, bioequivalence and bioavailability retesting), as FDA deems appropriate.

An applicant also may be requested under existing regulatory procedures to recall products affected by the wrongful acts, or otherwise lacking adequate assurance of safety, effectiveness, or quality.

Dated: July 1, 1991.

David A. Kessler,

Commissioner of Food and Drugs.

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Public Health Service

Indian Health Service; Statement of Organization, Functions, and Delegations of Authority

Part H, chapter HG (Indian Health Service) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services, Public Health Service (PHS), chapter HG, Indian Health Service (IHS), 52 FR 47053-67, December 11, 1987, as most recently amended to 56 FR 32440-41, July 16, 1991, is amended to reflect the establishment of an organizational substructure for the Phoenix Area Office to more accurately reflect current activities in the Area Office.

Under chapter HG, section HG-20, Functions, after the statement for the IHS Area Office (HGF), Information and Resources Management Programs, insert the following:

Phoenix Area Office (HGFL)

Office of the Area Director (HGFL1)

(1) Plans, develops, and directs the Area program within the framework of the Indian Health Service (IHS) policy in pursuit of the mission; (2) delivers and ensures the delivery of high quality comprehensive health services; (3) coordinates IHS activities and resources internally and externally with those of other Government and nongovernmental programs; (4) promotes optimum utilization of health care services through management and delivery of services to American Indians and Alaska Natives; (5) applies the principles of Indian Preference and Equal Employment Opportunity (EEO); and (6) participates with Indian tribes and other Indian community groups in developing optimal goals and objectives for health care delivery for the Phoenix Area IHS.

Office of Administration and Management (HGFL2)

(1) Plans, develops, implements and directs the Area administration and management services; (2) promotes and provides effective linkage with Area-wide service units and tribally operated administrative programs and other administrative related activities sponsored by other agencies and organizations; (3) promotes, evaluates, and monitors Phoenix Area IHS programs internal control activities as they relate to program support services; (4) provides planning, direction and guidance of financial management, including budget, general accounting, and accounts control; (5) provides direction, coordination, and evaluation of personal property and supply, including personal property management, acquisition of supplies and office services; (6) promotes and manages the contract health services program, alternate resources, and third party services; and (7) provides direction for acquisitions management, including monitoring tribal/urban Indian, commercial and small purchase contracts.

Office of Medical Center Services (HGFL3)

(1) Defines the clinical direction of the Phoenix Area with numerous medical specialists and advises the Area Director on clinical matters; and (2) administers a major medical center whose functions include clinical services, hospital services, community health services, and ambulatory care.

Office of Tribal Activities (HGFL4)

(1) Serves as liaison between the Area Director and tribal governments within the Phoenix Area; and (2) provides consultative services to officials of tribes, tribal/inter-tribal organizations in the planning and/or development of projects leading to a capability to contract for or provide direct/indirect health and health related services.

Office of Environmental Health and Engineering (HGFL5)

(1) Plans, directs, coordinates, implements, and evaluates an environmental health and engineering program to maintain/improve the health and prevent disease among the American Indians and Alaska Natives (AI/AN) in the Phoenix Area; (2) assesses environmental health and sanitation facilities needs and develops appropriate action programs/projects with IHS and tribal staff; (3) administers the Indian Sanitation Facilities Act (Pub. L 86–121) through the planning, development, coordination, and evaluation of sanitation facilities construction activities; (4) provides technical assistance and training in operation and maintenance to tribal groups and utility organizations to enhance their capabilities to manage water, waste water, and waste disposal systems in accordance with Environmental Protection Agency (EPA) requirements; (5) serves as principal advisor to the Area for all environmental health issues affecting AI/AN, and IHS employees; (6) participates in policy formulation, and directs resource distribution for implementation of the environmental health and sanitation facilities construction program at the Area level, and provides administrative support including budget, personnel, travel, General Services Administration vehicles, property and supply and all other related activities; and (7) plans, maintains, modernizes and repairs IHS owned and leased facilities and equipment to protect the Government's investment, and to provide a functional physical environment for performance of IHS activities.

Office of Human Resources (HGFL6)

(1) Plans, coordinates, implements, administers, directs, and evaluates the Personnel Management Program including civil service and Commission Corps personnel for the Phoenix Area IHS, IHS Headquarters organizations located in Phoenix, Arizona, California Area IHS, Sacramento, California, and National Institutes of Health/IHS joint projects; (2) develops operating personnel policies that ensures a supportive program which meets the needs of the organizations serviced; (3) maintains liaison with Region IX Personnel Office and other agencies on personnel management matters; (4) serves as principal advisor on all personnel matters to the Phoenix Area Director, Service Unit Directors, and the California Area Director, and managers and supervisors of other servicing organizations; (5) provides assistance in the areas of Employee Development and Recognition, e.g., through career counseling, designing and implementing training courses/workshops, contracting courses for training, orientation, on-the-job, mission required, upward mobility, career development, and continuing education; (6) serves as the control point for processing award nominations, employee suggestions, and other means of employee recognition by maintaining liaison with management officials of the Phoenix Area; (7) coordinates and implements a nation-wide recruitment and retention program by maintaining contact with universities, colleges, and professional agencies to inform them of employment opportunities within IHS; and (8) manages the Phoenix Area Equal Employment Opportunity (EEO) Program.

Office of Planning, Evaluation, and Information Resources (HGFL7)

(1) Develops, implements, and evaluates the comprehensive health care delivery system; (2) formulates comprehensive plans for the provision of health care, including analysis and evaluation of existing resources, strategic planning, construction of new facilities, and implementation of plans developed through coordinated efforts; (3) applies the Resource Requirement Methodology and technical consultation of special projects; (4) plans, coordinates, and manages the development and implementation of computerized information systems designed to facilitate effective program administration, operation, and health care management in a multi-State area; (5) coordinates diverse computer applications and ensures overall compatibility and systems integration with agency-wide management information principles, research methodology, statistical theory, data processing, computer technology, and project management principles; and (6) plans, procures and evaluates telecommunications systems.

Office of Health Programs (HGFL8)

(1) Plans, implements, directs, coordinates an Area-wide health and patient care program; (2) promotes and provides effective linkages with Area-wide service unit and tribally operated programs and related activities sponsored by other agencies and organizations; (3) plans, develops, and evaluates programs within the divisions of Community Health Services and Behavioral Health Services, Professional Services, and quality assurances/risk management staff activity to meet standards set by the Joint Commission on Accreditation of Healthcare Organizations; (4) provides guidance and coordination of community health services; (5) provides behavioral health services including coordination and evaluation of alcohol/substance abuse and social services activities; and (6) provides professional services related to comprehensive health care and patient care including dental services, laboratory services/clinical registry, medical records, nursing services, pharmacy services and primary care provider staff activities.

Phoenix Area Service Units (HGFLA Through HGFLD, HGFLG Through HGFLH, and HGFLJ Through HGFLN)

Colorado River Service Unit (HGFLA); Uintah and Ouray Service Unit (HGFLB); Keams Canyon Service Unit (HGFLC); Owyhee Service Unit (HGFLD); San Carlos Service Unit (HGFLG); Schurz Service Unit (HGFLH); Whiteriver Service Unit (HGFLJ); Fort Yuma Service Unit (HGFLK); Sacaton Service Unit (HGFLL); Phoenix Service Unit (HGFLM) and PHS Indian Health Center, Peach Springs (HGFLN). (1) Plans, develops, and directs health programs within the framework of IHS policy and mission; (2) promotes activities to improve and maintain the health and welfare of the service population; (3) delivers quality health services within available resources; (4) coordinates service unit activities and resources with those of other governmental and non-governmental programs; (5) participates in the development and demonstration of alternative means and techniques of health services management and health care delivery; (6) provides Indian tribes and other Indian community groups with optimal means of participating in service unit programs; and (7) encourages and supports the development of individual and tribal entities in the management of the service unit.

Under section HG–30, Order of Succession, following item number (5) add:

During the absence or disability of the Area Director of the Phoenix Area Office, or in the event of a vacancy in that office, the first Area Office official listed below who is available shall act as the Area Director, except that during a planned period of absence, the Area Director may specify a different order of succession. The order of succession will be:

(1) Deputy Area Director, Phoenix Area Indian Health Service.
(2) Associate Director, Office of Administration and Management.
(3) Associate Director, Office of Medical Center Services.
(4) Associate Director, Office of Tribal Activities.
(5) Associate Director, Office of Environmental Health and Engineering.
(6) Associate Director, Office of Human Resources.
(7) Associate Director, Office of Planning, Evaluation and Information Resources.
(8) Associate Director, Office of Health Programs.

Section HG–40, Delegations of Authority. Add the following new paragraph:

All delegations and redelegations of authority made to IHS Area Offices which were in effect immediately prior to this reorganization, and which are consistent with the reorganization of January 18, 1988, shall continue in effect pending further redelegation.

Dated: August 27, 1991.

Everett R. Rhoades,

Assistant Surgeon General Director.

[FR Doc. 91–21716 Filed 9–9–91; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N–91–3208; FR2838–N–04]

Announcement of Historically Black Colleges and Universities Technical Assistance Program Competition Winners

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of competition winners.

SUMMARY: The purpose of this Notice is to announce the winners of the $1.5 million Historically Black Colleges and Universities (HBCU) competition. These funds will be used by the grantees to assist in the development of Community Development Block Grant (CDBG) economic development projects, and to assist small cities in preparing their CDBG programs and in conducting workshops to help local governments more effectively utilize their CDBG funds.

FOR FURTHER INFORMATION CONTACT: James Turk, Technical Assistance Officer, Office of Technical Assistance, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 708–3176. The TDD number for the hearing impaired is (202) 708–2565. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: In a Notice published on March 1, 1991 (56 FR 8894), the public was informed of the availability of approximately $1.5 million to provide technical assistance to help cities use their CDBG funds more effectively and to increase HBCU participation in federal programs, in accordance with Executive Order 12677. The source of assistance is that CDBG Technical Assistance program as implemented by the Department's regulations at 24 CFR 570.400 and 570.402.

The goal of this technical assistance is to aid communities in using CDBG funds more effectively. Related objectives are:

a. To increase the capacity of eligible communities in the administration, planning and implementation of their CDBG programs.

b. To assist in the development of CDBG-funded economic development projects.

c. To provide on-site peer-to-peer assistance to local CDBG officials in improving the effectiveness and management of their local CDBG programs.

d. To conduct technical assistance workshops in requested subject areas (e.g. HUD CDBG-funded Small and Minority Business Loan Programs; CDBG-funded State Enterprise Zones Programs; CDBG activities designed to affirmatively further fair housing; and CDBG-funded Rehabilitation Programs).

A total of eighteen HBCUs submitted applications. The fifteen selected in the competitive process best demonstrated the ability to undertake the required technical assistance activities in accordance with the outlined goal and objectives and to carry out such activities expeditiously.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235, approved December 15, 1989), the Department is publishing the HBCU winners for FY 1991 as follows:

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES TECHNICAL ASSISTANCE PROGRAM LIST OF WINNERS FOR FR 1991

	Grant amount
Mr. Henry Charlot, Project Director, Xavier University, 7325 Palmetto Street, Box 71–B, New Orleans, LA 70125, telephone: (504) 486–2730	$100,000
Dr. R.A. Wells, Project Director, Texas A&M Prairie View University, Research Foundation, Box 3578, College Station, TX 77843, telephone: (409) 845–0605	100,000
Ms. Saundra S. Carmichael, Project Director, Saint Augustine's College, Raleigh & Wake County, 1315 Oakwood Avenue, Raleigh, NC 27610–2298, telephone: (919) 828–4451	100,000

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES TECHNICAL ASSISTANCE PROGRAM LIST OF WINNERS FOR FR 1991—Continued

	Grant amount
Mr. Otha Burton, Jr., Project Director, Jackson State University, P.O. Box 17390, Jackson, MS 39217, telephone: (601) 968-2339	100,000
Mr. Morris A. Autry, Project Director, Elizabeth City State University, Pasquotank County, Elizabeth City, NC 27909, telephone: (919) 335-3702	100,000
Dr. Carl H. McClenney Jr., Project Director, Virginia State University, P.O. Box 62, Petersburg, VA 23803, telephone: (804) 524-5148	100,000
Mr. Joseph A. Lee, Project Director, Alabama A&M University, Department of Community Planning and Urban Studies, P.O. Box 206, Normal, AL 35762, telephone: (205) 851-5425	100,000
Mr. Jerry M. Shelton, III, Project Director—TA Program, Fisk University, 1000 17th Avenue North, Nashville, TN 37208-3051, telephone: (615) 329-8555	100,000
Mr. Daniel S. Kuennen, Project Director, University of Maryland Eastern Shore, Rural Development Center, Bird Hall Room 3102, Princess Anne, MD 21853, telephone: (301) 651-2200	100,000
Ms. Ella M. Nunn, Project Director, Texas Southern University, Jesse H. Jones School of Business Room B11, 3100 Cleburne, Houston, TX 77004, telephone: (713) 527-7785	100,000
Dr, Clarence Brown, Project Director—Pub Admin Progr. North Carolina Central University, P.O. Box 19574, Durham County, Durham City, NC 27707, telephone: (919) 560-6240	99,262
Dr. Elva E. Tillman, Project Director—Inst/Urban Res., Morgan State University, Soldier Armory—Room 204, Coldspring Lane & Hillen, Baltimore, MD 21239, telephone: (301) 319-3004	100,000
Mr. Mark Talley, Project Director—Econ. Res & Dev., University Arkansas Pine Bluff, North University, P.O. Box 4146, Pine Bluff, AR 71601, telephone: (501) 535-6703	100,000
Dr. Oliver Jones, Jr., Project Director—Center for Public Affairs, Florida A&M University, Center for Public Affairs & Govern. Services, 412 Tucher Lane, Tallahassee, FL 32307, telephone: (904) 599-3124	99,701
Dr. Jean A. McRae, Project Director—Institute for Urban Aff. and Res, Howard University 2900 Van Ness Street NW. Washington, DC 20008, telephone: (202) 806-8770	100,000
	1,496,894

Dated: September 4, 1991.

S. Anna Kondratas,

Assistant Secretary for Community Planning and Development.

[FR Doc. 912-21675 Filed 9-9-91; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT-040-01-4320-12]

Cedar City District Grazing Advisory Board Meeting

Notice is hereby given in accordance with Public Law 92-463 that a Cedar City Advisory Council meeting will be held on Wednesday, October 2, 1991, beginning at 1 p.m. at the Escalante BLM Area Office in Escalante, Utah. The agenda will include discussion on the Kanab/Escalante Resource Management Plan and national designation proposals for the Escalante Canyons. The meeting will continue into Thursday, October 3, 1991 with a field trip of the Escalante Resource Area.

All Advisory Council meetings are open to the public. Interested persons may make oral statements at 1:15 p.m. or may submit written comments for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 176 East D.L. Sargent Drive, Cedar City, Utah 84720, phone (801) 586-2401, by Friday, September 27, 1991. Depending on the number of persons wishing to make a statement, a per person time limit may be established by the District Manager or Council Chairman. Individuals wishing to attend the field tour or October 3rd are to bring their own transportation and lunch.

Dated: August 30, 1991.

Gordon R. Staker,

District Manager.

[FR Doc. 91-21571 Filed 9-9-91; 8:45 am]

BILLING CODE 4310-DQ-M

[NV-930-91-4212; N-54981]

Realty Action; Exchange of Public Lands, Clark County, NV

The following described federal lands are being considered for disposal by exchange pursuant to section 206 of the Federal land Policy and Management Act of 1976, 43 U.S.C. 1716:

Mount Diablo Meridian, Nevada

T. 19 S., R. 60 E.
- Sec. 5, lot 3, NW¼NW¼, S½NW¼;
- Sec. 6, lots 1-5, 12, 14-18, S½NE¼, SE¼ NW¼, SE¼;
- Sec. 7, lots 5, 6, 8-12, 14-16, 18-21.
- Sec. 20, NE¼NE¼;
- Sec. 21, SW¼NW¼;
- Sec. 28, W½NE¼, E½NW¼, SW¼NW¼, N½SE¼.

T. 22S., R. 61 E.
- Sec. 23. N½NE¼NE¼NE¼, SW¼NE¼ NE¼NE¼, W½NE¼NE¼, SE¼NE¼ NE¼, NE¼NE¼NW¼NE¼, SW¼NE¼ NW¼NE¼, N½NW¼NW¼NE¼, SE¼ NW¼NW¼NE¼, SW¼NW¼NE¼, E½ SW¼NE¼, S½NW¼SW¼NE¼, N½ SW¼SW¼NE¼, N½NE¼SE¼NE¼, SW¼NE¼SE¼NE¼, NW¼SE¼NE¼, N½S½SE¼NE¼, SW¼SW¼SE¼NE¼, SW¼SE¼SE¼NE¼, N½N½SE¼, E½ SW¼NE¼SE¼, SE¼NE¼SE¼, SW¼ NW¼SE¼, E½SE¼NW¼SE¼, W½ NE¼SW¼SE¼, W½NW¼SW¼SE¼, S½SW¼SE¼, W½NE¼SE¼SE¼, NW¼SE¼SE¼, E½SE¼SE¼SE¼;
- Sec. 26, N½N½NE¼NE¼, S½NW¼NE¼ NE¼, S½NE¼NE¼, S½SW¼NW¼ NE¼, NE¼SW¼NE¼, S½SW¼SW¼ NE¼, N½SE¼SW¼NE¼, S½NE¼SE¼ NE¼, NW¼SE¼NE¼, S½SE¼NE¼, E½SE¼, N½NW¼SE¼, S½SW¼NW¼ SE¼, N½SE¼NW¼SE¼, NE¼SW¼ SE¼, N½S½SW¼SE¼;
- Sec. 34, S½NE¼NE¼NW¼, S½NE¼ NW¼, S½NE¼NW¼NW¼, W½NW¼ NW¼, SE¼NW¼NW¼, SW¼NW¼, NE¼SE¼NW¼, N½NW¼SE¼NW¼, S½SE¼NW¼, N½N½N½SW¼, S½ NE¼NE¼SW¼, SW¼NE¼SW¼, N½ SE¼NE¼SW¼, S½NE¼NW¼SW¼, S½NW¼SW¼, N½N½SW¼SW¼, S½ SW¼SW¼, SE¼SW¼, S½N½NE¼ SE¼, S½S½NE¼SE¼, N½NE¼NW¼ SE¼, W½NW¼SE¼, SE¼NW¼SE¼, N½N½SW¼SE¼, S½SW¼SW¼SE¼, SE¼SW¼SE¼, N½SE¼SE¼, S½SW¼ SE¼SE¼, SE¼SE¼SE¼.

The total acreage of the public land involved is approximately 2241.0 acres.

Final determination on disposal will await completion of an environmental analysis.

In accordance with the regulations of 43 CFR 2201.1 (b), subject to valid existing rights, publication of this Notice shall segregate the affected public lands from appropriation under the public land laws, including the mining laws, but not the mineral leasing laws, and from any subsequent land exchange proposals filed by any proponent other than Olympic Nevada Incorporated or their nominee.

The segregation of the above-described lands shall terminate upon issuance of a document conveying such lands or upon publication in the **Federal Register** of a notice of termination of the segregation; or the expiration of two years from the date of publication, whichever occurs first.

For a period of forty-five days, interested parties may submit comments to the District manager, Las Vegas District Office, 4765 Vegas Drive, Las Vegas, Nevada 89126.

Dated: September 3, 1991.

Ben Collins,

District Manager, Las Vegas District, Nevada.

[FR Doc. 91-21572 Filed 9-9-91; 8:45 am]

BILLING CODE 4310-HC-M

[OR-056-4212-13; GP1-351]

Realty Action; Crook County, OR

August 30, 1991.

AGENCY: U.S. Department of Interior, Bureau of Land Management, Prineville District, Prineville, OR.

ACTION: Exchange of public lands in Crook County, Oregon.

SUMMARY: The following public lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716.

Township 16 South, Range 16 East of the Willamette Meridian:

Section 18: SENE, NESW

The area described aggregates about 80 acres in Crook County, Oregon.

In exchange for these lands, the Federal Government will acquire the following described private lands from Stearns Land Company.

Township 16 South, Range 16 East of the Willamette Meridian:

Section 29: N½SE, S½SW
Section 31: SWSE

The area described aggregates about 200 acres in Crook County, Oregon.

The purpose of the exchange is to facilitate resource management opportunities by acquiring land within the wild and scenic river administrative boundary of the Upper Crooked River and adjacent areas. The Federal lands are situated in close proximity to agricultural lands and farm buildings owned by the Stearns Land Company.

The value of the lands to be exchanged is approximately equal. The acreage will be adjusted to equalize values, if necessary, based upon completion of the final appraisal.

Information regarding this proposal can be reviewed at the Bureau of Land Management, Prineville District Office, 185 E. Fourth Street, Prineville, OR 97754, telephone (503) 447-4115.

For a period of forth-five (45) days from the date of publication, interested parties may submit comments to the District Manager, Bureau of Land Management at the above address. Any adverse comments will be evaluated by the District Manager who may execute or modify this notice of realty action accordingly.

James L. Hancock,

District Manager.

[FR Doc. 91-21573 Filed 9-9-91; 8:45 am]

BILLING CODE 4310-33-M

[UT-060-01-4212-14; UTU-59944]

Realty Action, Proposed Sale of Public Land in San Juan County, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, UTU-59944, proposed sale of public land in San Juan County, Utah; segregation of land from appropriation and operation under the public land laws, including the mining laws, excepting the mineral leasing laws.

SUMMARY: The following land is being evaluated for sale under section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA) (90 Stat. 2750; 43 U.S.C. 1713):

Salt Lake Meridian, Utah

T. 40 S., R. 23 E.,
Sec. 27, SE¼NE¼NE¼.

The above described land aggregates 10 acres.

The land described is hereby segregated from appropriation and operation of the public land laws and the mining laws, excepting the mineral leasing laws, pending disposition of this action, or two hundred seventy (270) days from the date of publication of this notice in the **Federal Register**, whichever occurs first.

FOR FURTHER INFORMATION CONTACT: David L. Krouskop, Area Realty Specialist, San Juan Resource Area, P.O. Box 7, 435 North Main, Monticello, Utah 84535, (801) 587-2141, or Brad Groesbeck, District Realty Specialist, Moab District Office, 82 East Dogwood, P.O. Box 970, Moab, Utah 84532, (801) 259-6111.

Dated: August 30, 1991.

Gene Nodine,

District Manager.

[FR Doc. 91-21574 Filed 9-9-91; 8:45 am]

BILLING CODE 4310-DQ-M

[UT-060-01-4212-14; UTU-65524]

Reality Action, Proposed Sale of Public Land in San Juan County, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of reality action, UTU-65524, proposed sale of public land in San Juan County, Utah; segregation of land from appropriation and operation under the public land laws, including the mining laws, excepting the mineral leasing laws.

SUMMARY: The following land is being evaluated for sale under section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA) (90 Stat. 2750; 43 U.S.C. 1713):

Salt Lake Meridian, Utah

T. 42 S., R. 19 E.,
Sec. 7, Lot 46.

The above described land aggregates 2.50 acres.

The land described is hereby segregated from appropriation and operation of the public land laws and the mining laws, excepting the mineral leasing laws, pending disposition of this action, or two hundred seventy (270) days from the date of publication of this notice in the **Federal Register**, whichever occurs first.

FOR FURTHER INFORMATION CONTACT: David L. Krouskop, Area Realty Specialist, San Juan Resource Area, P.O. Box 7, 435 North Main, Monticello, Utah 84535, (801) 587-2141, or Brad Groesbeck, District Realty Specialist, Moab District Office, 82 East Dogwood, P.O. Box 970, Moab, Utah 84532, (801) 259-6111.

Dated: August 30, 1991.

Gene Nodine,

District Manager.

[FR Doc. 91-21575 Filed 9-9-91; 8:45 am]

BILLING CODE 4310-DQ-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before August 27, 1991. Pursuant to 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by September 25, 1991.

Carol D. Shull,

Chief of Registration, National Register.

CALIFORNIA

Alameda County

Girton Hall, Off College Ave. next to Cowell Hospital, University of California, Berkeley campus, Berkeley, 91001473

LOUISIANA

Madison Parish

Thompson, Francis, Site (16 MA 112), Address Restricted, Delhi vicinity, 91001464

MINNESOTA

Hennepin County

Smith, Lena O., House, 3905 5th Ave. S., Minneapolis, 91001472

MISSISSIPPI

Copiah County

Hargrave House, MS 28 14 mi. W of Hazlehurst, Hazlehurst vicinity, 91001165

NEW JERSEY

Warren County

Oxford Industrial Historic District, NJ 31, Mine Hill Rd., Belvidere and Axford Aves., Oxford Township, Oxford, 91001471

NORTH CAROLINA

Jackson County

High Hampton Inn Historic District, NC 107 E side, 1.5 mi. S of US 64, Cashiers vicinity, 91001468

Macon County

Pendergrass Building, 6 W. Main St., Franklin, 91001469

Polk County

Jones, Rev. Joshua D., House, NC 1526 S side, 0.4 mi. from NC 108, Mill Spring, 91001476

Rutherford County

St. Luke's Chapel, Jct. of Hospital Dr. and Old Twitty Ford Rd., Rutherfordton, 91001470

NORTH DAKOTA

Cass County

Research Plot 2, Near jct. of Centennial Ave. and 18th St. N., North Dakota State University campus, Fargo, 91001474

Research Plot 30, Near jct. of Centennial Ave. and 18th St. N., North Dakota State University campus, Fargo, 91001475

Nelson County

Tofthagen Library Museum (Philanthropically Established Libraries in North Dakota MPS), 116 W. B Ave., Lakota, 91001467

Pierce County

Great Northern Passenger Depot, 201 W. Dewey St., Rugby, 91001466.

[FR Doc. 91-21698 Filed 9-9-91; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Revision of Publication OCP-100, Your Rights and Responsibilities When You Move

AGENCY: Interstate Commerce Commission.

ACTION: Notice of revision of OCP-100.

SUMMARY: The Commission is revising the publication entitled OCP-100, Your Rights and Responsibilities When You Move, to make minor editorial changes, to add explanatory language covering certain changes in the Commission's rules at 49 CFR 1056 governing the Transportation of Household Goods in Interstate or Foreign Commerce, and to eliminate the Moving Service Questionnaire.

DATES: The revision of OCP-100 is effective October 10, 1991.

FOR FURTHER INFORMATION CONTACT: Charles E. Wagner (202) 275-7846, John W. Fristoe, (202) 275-7844, (TDD for hearing impaired: (202) 275-1721).

SUPPLEMENTARY INFORMATION: Under 49 CFR 1056.2, the publication entitled Your Rights and Responsibilities When You Move is required to be given to consumers by movers and household goods brokers to provide them with information about their rights and responsibilities as shippers of household goods. From time to time, the publication must be revised. Under 49 CFR 1056.2(b)(2), notice of amendments to publication OCP-100 must be published in the **Federal Register.** We are revising the publication to make editorial changes, to reflect rule changes, and to eliminate an obsolete questionnaire. None of these changes constitute a material change requiring notice and comments.

Regarding the editorial changes, we are adding language to the bulletin to advise shippers that they may obtain the name and address of a mover's agent for service of legal process from the Commission in case they wish to bring suit against a mover. We are also adding a new section to the bulletin to advise consumers of new added-value protection plans sponsored by some movers.

The bulletin is also being revised to inform consumers of two changes in the Commission's rules and regulations governing motor common carriers of household goods. In Ex Parte No. MC-19 Sub-No. 40) Return of Proportional Freight Charges by Motor Carriers of Household Goods, 5 I.C.C. 2d 836, the rules at 49 CFR 1056.15(b) were changed to require movers to refund proportional freight charges for lost or destroyed articles at the time loss and damage claims are processed. In Ex Parte No. MC-19 (Sub-No. 41) Practices of Motor Common Carriers of Household Goods (Limitations of Liability), 6 I.C.C. 2d, the Commission permitted movers to limit their liability for loss or damage to articles of extraordinary value under certain conditions.

Lastly, we are eliminating the Consumer Questionnaire, OCP-100A, as obsolete. We withdrew our request for approval of this form by the Office of Management and Budget in 1987 under the Paperwork Reduction Act and Executive Order 12291 because the indication of consumer satisfaction produced from analysis of data in this form was statistically unreliable and because similar information is available to the Commission from our consumer complaint system.

A copy of this notice and a copy of the revised Publication OCP-100 may be obtained by writing to the Office of Consumer Protection, room 4133, 12th Street and Constitution Avenue NW., Washington, DC 20423 or by calling (202) 275-7148. Assistance for the hearing impaired is available through TDD Services at (202) 275-1721.

Dated: September 4, 1991.

Decided: Bernard Gaillard, Director, Office of Compliance and Consumer Assistance.

Sidney L. Stickland, Jr.,

Secretary.

[FR Doc. 91-21630 Filed 9-9-91; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-17,139]

American Standard, Inc., Union Switch & Signal Division, Swissvale, PA; Revised Determination on Remand

Pursuant to a U.S. Court of International Trade order in *United Electrical Workers* v. *Brock* (USCIT 86-11-01409), dated June 27, 1991, the Department is issuing a notice of certification of eligibility to apply for trade adjustment assistance for former workers of American Standard, Inc., Union Switch & Signal Division, (US&S) Swissvale, Pennsylvania.

Therefore, in accordance with the provisions of the Act, I make the following revised certification for the former workers of American Standard, Inc., US&S Swissvale, Pennsylvania.

All workers of American Standard, Inc., Union Switch & Signal Division, Swissvale, Pennsylvania (except those in Departments 110, 222 and 390 who were certified earlier) who became totally or partially separated from employment on or after January 17, 1985 and before July 29, 1988 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 30th day of August 1991.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 91-21688 Filed 9-9-91; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-25,897]

Golden Capital Distributors, Inc., East Hanover, NJ, Negative Determination Regarding Application for Reconsideration

By an application dated August 14, 1991 Local #332 of the International Union of Electrical Workers (IUE) requested administrative reconsideration of the subject petition for trade adjustment assistance. The denial notice for petition TA-W-25,897 was signed on July 23, 1991 and published in the **Federal Register** on August 8, 1991 (56 FR 37725).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) It it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

Golden Capital is a wholesaler/distributor operating in several States. The workers at Golden Capital's location in East Hanover, New Jersey distributed cigarettes and various household products.

The Department's denial is based on the fact that the workers do not produce an article within the meaning of the Trade Act of 1974 nor are they corporately related to any firm that produces an article. The Department has consistently determined that the performance of services does not constitute the production of an article as required by section 222 of the Trade Act of 1974, and this determination has been upheld in the U.S. Court of Appeals. This point was addressed in the Department's notice of negative determination issued on July 23, 1991.

The union's claims concerning ownership by a foreign corporation and the cigarette stamp laws and regulations of the New Jersey Department of Commerce would not provide a basis for a worker group certification under the Trade Act of 1974.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the facts or of the law which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 30th day of August 1991.

Robert O. Deslongchamps,

Director, Office of Legislation & Actuarial Services, Unemployment Insurance Service.

[FR Doc. 91-21689 Filed 9-9-91; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-25,904]

Sara Lee Knitting Products, Floyd, VA; Affirmative Determination Regarding Application for Reconsideration

On August 13, 1991, the petitioners requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers at the subject firm. The Department's Negative Determination was issued on July 31, 1991, and published in the **Federal Register** on August 13, 1991 (56 FR 38468).

The petitioners claim that machinery from their plant was shipped to Mexico to produce sweatshirts which will be imported.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 30th day of August 1991.

Robert O. Deslongchamps,

Director, Office of Legislation & Actuarial Services, Unemployment Insurance Service.

[FR Doc. 91-21690 Filed 9-9-91; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period of August 1991.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-25,928; 3M Auld Co., Columbus, OH

TA-W-25,981; Triquest Corp., Vancouver, WA

TA-W-25,930; Dormont Manufacturing Co., Adamsburg, PA

TA-W-25,934; Best-O-Flex, Adamsburg, PA

TA-W-25,937; Interior Pipin Systems, Adamsburg, PA

TA-W-25,916; H.S. Automotive, West Longview Ave., Mansfield, OH

TA-W-25,917; H.S. Automotive, Rupp Road, Mansfield, OH

TA-W-25,984; Warner Universal Corp., Kearney, NJ

TA-W-25,800; Falconer Glass Industries, Inc., Falconer, NY

TA-W-25,889; Alcan Rolled Products Co., Terre Haute, IN

TA-W-25,945; Quiltex Co., Inc., Brooklyn, NY

TA-W-25,920; Kozee Komfort Products, Brooklyn, NY

In the following cases, the investigation revealed that the criteria for eligibility has not been met for the reasons specified.

TA-W-26,034; Heritage Resources, Inc., Dallas, TX

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-26,110; Meco International, Inc., Warrendale, PA

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-26,018; AFG Industries, Inc., Cinnaminson, NJ

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-25,992; Consultants & Designers, Inc., Broomfield, CO

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-26,020 & TA-W-26,021; Beech-Nut Nutrition Corp., Canajoharie & Fort Plain, NY

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-26,190; Mohawk Technical Associates, Inc., Herkimer, NY

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-26,045; Phone-Poulenc, Inc., St. Louis, MO

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-26,041; Nerco Oil & Gas, Inc., Vancouver, WA

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-26,051; Tri-State Retail Systems, Rochester, NY

The worker's firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-26,052 & TA-W-26,053; Tri-State Retail Systems, Amherst, NY & Troy, NY

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-25,842; Haskell of Pittsburgh Manufacturing Co., Verona, PA

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

Affirmative Determinations

TA-W-26,044; RJMJ, Inc., New York, NY

A certification was issued covering all workers separated on or after June 14, 1990.

TA-W-26,044A & TA-W-26,044B; Marlene Industries Corp., New York, NY and RJMJ Florida, Inc., Miami, FL

A certification was issued covering all workers separated on or after June 14, 1990.

TA-W-26,003; Q2 Exploration, Inc., Denver, CO

A certification was issued covering all workers separated on or after june 21, 1990 and before August 20, 1991.

TA-W-26,019; Barclay Sportswear, Inc., Booneville, NY

A certification was issued covering all workers separated on or after June 25, 1990 and before December 31, 1990.

TA-W-26,014; Walls Industries, Inc., Snyder, TX

A certification was issued covering all workers separated on or after June 19, 1990.

TA-W-26,127; Fay Swafford Originals, Cleveland, TN

A certification was issued covering all workers separated on or after June 15, 1990 and before February 18, 1991.

TA-W-25,956; Alexandra Fashions, Inc., Woodside, NY

A certification was issued covering all workers separated on or after June 10, 1990.

TA-W-26,016; Wyman-Gordon Co., Jackson, MI

A certification was issued covering all workers separated on or after June 20, 1990.

TA-W-26,059; Dietzgen Corp., El Paso, TX

A certification was issued covering all workers separated on or after July 15, 1990.

TA-W-26,037 & TA-W-26,038; Leisure Wear, Inc., Frankford, MO and Vandalia, MO

A certification was issued covering all workers separated on or after June 21, 1990.

TA-W-26,057; Carborundum Abrasives Co., Niagara Falls, NY

A certification was issued covering all workers separated on or after July 2, 1990.

I hereby certify that the aforementioned determinations were issued during the months of August, 1991. Copies of these determinations are available for inspection in room C-4318, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: September 3, 1991.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 91-21687 Filed 9-9-91; 8:45 am]

BILLING CODE 4510-30-M

Job Training Partnership Act (JTPA), Native American Programs' Advisory Committee; Renewal

In accordance with the provisions of the Federal Advisory Committee Act, after consultation with the General Services Administration, the Secretary of Labor has determined that the renewal of the Job Training Partnership Act (JTPA), Native American Programs' Advisory Committee is in the public interest in regard to the consultation responsibilities imposed on the Department under title IV, section 401 of JTPA.

The Committee will provide advice to the Assistant Secretary for Employment and Training on rules, regulations, and performance standards specifically and solely for Native American programs authorized under title IV, section 401 of JTPA. The Assistant Secretary seeks this advice, as one of several means of consultation with the Native American community, in order to develop such rules, regulations, and performance standards. The Committee will provide the Assistant Secretary with summary reports of the advice offered on these matters following its scheduled meetings.

As paragraph 401(h)(1) of JTPA directs, the Committee shall be comprised of representatives of the Native American community. An equitable geographic distribution will be sought in addition to appropriate representation of both tribes and non-tribal organizations. The members shall not be compensated and shall not be deemed to be employees of the United States.

The Committee will function solely as an advisory body, and in compliance with the provisions of the Federal Advisory Committee Act. Its charter will be filed under the Act 15 days from this publication.

Interested persons are invited to submit comments regarding the renewal of the Job Training Partnership Act (JTPA) Native American Program's Advisory Committee. Such comments should be addressed to: Mr. Paul A. Mayrand, Director, Office of Special Targeted Programs, U.S. Department of Labor, Employment and Training Administration, room N-4641, 200 Constitution Avenue NW., Washington, DC 20210, Telephone: (202) 535-0500.

Signed at Washington, DC, this 16th day of August, 1991.

Lynn Martin,

Secretary of Labor.

[FR Doc. 91-21686 Filed 9-9-91; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

Petitions for Modification

The following parties have filed petitions to modify the application of mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. Lambert Coal Co.

[Docket No. M-91-72-C]

Lambert Coal Company, P.O. Box 394, Nora, Virginia 24272 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Mine No. 42 (I.D. No. 44-04790) located in Dickenson County, Virginia. Due to a roof fall outby the seals, the petitioner proposes to establish an evaluation point to monitor hazardous conditions.

2. Enlow Fork Mining Co.

[Docket No. M-91-73-C]

Enlow Fork Mining Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241-1421 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment; maintenance) to its Enlow Fork Mine (I.D. No. 36-07416) located in Greene County, Pennsylvania. The petitioner proposes to use 860 foot trailing cables on specific permissible electric face equipment.

3. Sea "B" Mining Co.

[Docket No. M-91-74-C]

Sea "B" Mining Company, P.O. Box 4000, Lebanon, Virginia 24266 has filed a petition to modify the application of 30 CFR 75.1710-1(a) (canopies or cabs; self-propelled electric face equipment; installation requirements) to its Seaboard No. 2 Mine (I.D. No. 44-03479) located in Tazewell County, Virginia. Due to mining heights and coalbed undulations, the petitioner states that the use of canopies would result in a diminution of safety to the equipment operator.

4. Green River Coal Co., Inc.

[Docket No. M-91-75-C]

Green River Coal Company, Inc., 664 Frostburg Road, Madisonville, Kentucky 42431 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its No. 9 Mine (I.D. No. 15-13469) located in Hopkins County, Kentucky. Due to several massive roof falls, the petitioner proposes to monitor outby the seals.

5. Record Steel & Construction, Inc.

[Docket No. M-91-14-M]

Record Steel & Construction, Inc., 2384 E. Victory Road, Meridian, Idaho 83642 has filed a petition to modify the application of 30 CFR 56.15003 (protective footwear) to the Barrick Gold Strike Mine (I.D. No. 26-01089) located in Elko County, Nevada. The petitioner proposes to use leather soft-toed shoes while installing rebar instead of steel-toed shoes.

6. Hecla Mining Co.

[Docket No. M-91-15-C]

Hecla Mining Company, Box C-8000, Coeur d'Alene, Idaho 83814 has filed a petition to modify the application of 30 CFR 57.14162 (trip lights) to its Republic Unit Mine (I.D. No. 45-00365) located in Ferry County, Washington. The petitioner requests relief from the use of trip lights on one-car trains.

Request for Comments

Persons interested in these petitions may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 10, 1991. Copies of these petition are available for inspection at that address.

Dated: August 30, 1991.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 91-21685 Filed 9-9-91; 8:45 am]

BILLING CODE 4510-43-M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget (OMB) Review

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to OMB for review the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. *Type of Submission:* Revision.
2. *Title of Information Collection:* Proposed amendments to 10 CFR Part 51—Environmental Review of Applications for Renewal of Operating License.
3. *Form Number:* Not applicable.
4. *How Often Information Collection Required:* One time submission upon submittal of an application for renewal of an operating license.
5. *Who Will be Asked or Required to Report:* Applicants for renewal of an operating license.
6. *Estimate of the Number of Responses:* It is anticipated that 2 applications will be made during the 3-year clearance period (1992-1994), or .67 annually.
7. *An estimate of the Number of Hours Needed to Complete the Requirement or Request:* NRC estimates that it will require 2,728 hours per application under the proposed amendments.
8. *An indication of Whether Section 3504(h), Public Law 96-511 Applies:* Applicable.
9. *Abstract:* The proposed amendments to 10 CFR part 51 will establish new requirements for environmental review of applications for renewal of nuclear power reactor operating licenses. The proposed amendments would require applicants to submit a "supplement to applicant's Environmental Report-Operating License Renewal Stage."

ADDRESSES: Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION: Comments and questions can be directed by mail to the OMB reviewer: Ronald Minsk, Paperwork Reduction Project (3150-0021), Office of Information and Regulatory Affairs, NEOB-3019, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395-3084. The NRC Clearance Officer is Brenda J. Shelton, (301) 492-8132.

Dated at Bethesda, Maryland, this 3rd day of September, 1991.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 91-21678 Filed 9-9-91; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-322]

Long Island Lighting Co.; Shoreham Nuclear Power Station; Environmental Assessment and Finding of no Significant Impact

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering issuance of an exemption from the requirements of 10 CFR 55.45(b), 10 CFR 55.33(a)(2), 10 CFR 55.59 (a)(2), (c)(2), (c)(3), and (c)(4) to the Long Island Lighting Company (the licensee) for operation of the Shoreham Nuclear Power Station, Unit 1 (the facility) located in Suffolk County, New York.

Environmental Assessment

Identification of Proposed Action

The proposed action would grant an exemption from the requirements of 10 CFR 55.45(b), 55.33(a)(2), 55.59 (a)(2), and 55.59(c)(3) to the extent that these regulations require the use of a simulation facility in implementing operating tests and on-the-job training. Additionally the licensee's proposed action would grant an exemption from 10 CFR 55.59 (a)(2), (c)(2), (c)(3), and (c)(4) to the extent that these regulations apply to requalification requirements specific to power operations of a nuclear facility. By letter dated June 5, 1990, and as supplemented by letters dated August 31, 1990, and July 1, 1991, the Long Island Lighting Company requested an exemption from the above specified requirements of 10 CFR part 55.

The Need for the Proposed Action

The requirements of 10 CFR part 55 for a simulation facility are designed for operating power reactors. There are no plant-referenced simulator devices that reflect the current refueled condition of SNPS. Likewise, the requalification requirements of 10 CFR 55.59 are designed for the complex operations associated with an operating plant from start-up through full-power operation. The licensee ceased power operation at Shoreham on February 28, 1989, and completed defueling of the reactor vessel on August 9, 1989, with all fuel stored in the spent fuel pool. In addition, the Commission issued a possession only license on June 14, 1991, preventing operation of the Shoreham reactor as well as prohibiting refueling of Shoreham without prior NRC approval.

In the defueled condition, the principal operator activity will be to monitor the spent fuel pool storage facility to assure the continued safe storage of special nuclear material so that the public health and safety is not compromised. Additionally, the knowledge required of operators in a defueled status is far less than that required for an operating facility. The request for an exemption from the requirements of 10 CFR part 55 as mentioned above is based on the above plant conditions and the licensee's intent not to resume power operations at Shoreham.

Environmental Impacts of the Proposed Action

The proposed exemption does not increase the risk of facility accidents because of the defueled condition of the plant. With the reactor vessel defueled and the license not licensed to resume power operation at SNPS, design-based accidents associated with an operating plant from start-up through full-power operation are no longer credible. Design-basis accidents for a nuclear facility in a defueled condition are all associated with a loss of fuel pool water inventory or with fuel handling. Because of the geometric storage arrangement of the fuel assemblies underwater, a criticality accident is not considered likely. In addition, the possession only license condition prohibiting movement of the field to the reactor vessel further diminishes the possibility of a fuel-handling accident. The remaining requalification training to be accomplished without a simulation facility ensures protection of the public health and safety and is appropriate to the defueled condition of the plant.

Any potential post-accident radiological releases will not differ from those determined previously, and the proposed exemption does not otherwise affect facility radiological effluents or present any significant occupational exposures. With regard to potential nonradiological impacts, the proposed exemption does not affect plant nonradiological effluents and has no adverse environmental impact. Therefore, the Commission concludes that there are no measurable radiological or nonradiological environmental impacts associated with the proposed exemption.

Since the Commission has concluded there are no measurable environmental impacts associated with the proposed exemption, any alternative will have either no environmental impact or a greater environmental impact. The principal alternative to the exemption would be to require a simulation facility and require requalification training geared to operating power reactors. Such action would not enhance the protection of the environment and would result in unnecessary expenditure of licensee and Commission resources.

Alternative Use of Resources

This action does not involve the use of resources not considered previously in the Final Environmental Statement for the Shoreham Nuclear Power Station.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of no Significant Impact

On the basis of the environmental assessment, the NRC staff concludes that the proposed action will not have a significant effect on the quality of the human environment. Therefore, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

For further details with respect to this action, see the licensee's letter dated June 5, 1990, and supplements of August 31, 1990 and July 1, 1992, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the Shoreham-Wading River Public Library, Route 25A, Shoreham, New York 11786-9697.

Dated at Rockville, Maryland this 4th day of September 1991.

For the Nuclear Regulatory Commission.

Marvin M. Mendonca,

Acting Director, Non-Power Reactor, Decommissioning and Environmental Project Directorate, Division of Advanced Reactors and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 91-21679 Filed 9-9-91; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC-18294; 812-7728]

The Drexel Burnham Lambert Group Inc.; Application

September 3, 1991.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 ("Act").

APPLICANT: The Drexel Burnham Lambert Group Inc. ("Group").

RELEVANT ACT SECTIONS: Order requested under sections 6(c) and 6(e) that would conditionally exempt (i) Group from all provisions of the Act except sections 8(a), 9, 10(a), 17(a), 17(d), 17(e), 31 (as modified), and 36 through 53, (ii) certain companies controlled by

Group from all provisions of the Act except sections 9, 17(a), 17(d), 17(e), and 36 through 53, and (iii) certain transactions from sections 17(a) and 17(d) of the Act and rule 17d–1 thereunder.

SUMMARY OF APPLICATION: Group, a holding company that is being reorganized pursuant to the bankruptcy proceeding, seeks an order under sections 6(c) and 6(e) that would exempt (a) Group from all provisions of the Act except sections 8(a), 9, 10(a), 17(a), 17(d), 17(e), 31 (modified as described in the application), and 36 through 53, (b) certain companies that are controlled by Group from all provisions of the Act except sections 9, 17(a), 17(d), 17(e), and 36 through 53, and (c) certain transactions from sections 17(a) and 17(d) of the Act and rule 17d–1 thereunder, provided that the transaction have been authorized in the manner set forth below.

FILING DATE: The application was filed on May 13, 1991, and was amended on August 1, 1991.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on September 30, 1991, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 60 Broad Street, New York, NY 10004.

FOR FURTHER INFORMATION CONTACT: Robert B. Carroll, Special Counsel, at (202) 272–3043, or Jeremy N. Rubenstein, Assistant Director, at (202) 272–3023 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Group is primarily a holding company with a large number of wholly-owned domestic and foreign subsidiaries (collectively with Group, "Drexel") that are or, prior to their bankruptcies, had been engaged in a variety of securities-related businesses. Drexel also is a managing partner of three investment partnerships, and is the general partner of another partnership that is the general partner of one of the investment partnerships (these partnerships, together with Group's wholly-owned subsidiaries, are referred to as the "Controlled Companies").

2. On February 13, 1990, Group filed a petition for reorganization under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code") in the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court"). In May 1990, certain of the Controlled Companies, including Drexel Burnham Lambert Incorporated ("DBL Inc."), Group's principal operating subsidiary, filed petitions for reorganization under chapter 11 in the Bankruptcy Court. Also in May 1990, involuntary petitions for liquidation that had previously been filed under chapter 7 of the Bankruptcy Code with respect to two other Controlled Companies were converted by such companies to reorganization proceedings under chapter 11. Three additional Controlled Companies subsequently filed petitions for reorganization under chapter 11 in the Bankruptcy Court. Group and the Controlled Companies that are being reorganized pursuant to the proceeding in the Bankruptcy Court are collectively referred to herein as the "Drexel Debtors."

3. Prior to filing its petition for reorganization under chapter 11, DBL Inc., a registered broker-dealer, was engaged primarily in underwriting public offerings of securities, acting as placement agent in connection with private offerings of securities, acting as a market maker, and providing other securities brokerage and investment banking services.

4. Drexel and certain of its current and former directors, officers, and employees participated in hundreds of investment partnerships and other investment entities (collectively, the "Partnerships"). The interests of Drexel and of such individuals in the Partnerships range from small limited partnership interests (or other passive investor interests) to managing general partnership interests. Certain of the Partnerships are Controlled Companies. Numerous other individuals and entities, who otherwise have not been and are not "affiliated persons" of Drexel as defined under the Act, also have interests in certain of the Partnerships.

5. Owing to its former business activities, Drexel has a substantial portfolio of securities. Most of Drexel's securities are "high yield" securities that were acquired in connection with Drexel's investment banking and trading activities. Drexel intends to manage and restructure its securities portfolio in connection with the reorganizations of the Drexel Debtors and to establish a trading operation in such securities through one or more of the Controlled Companies that would be registered as a broker-dealer. In addition to the securities portfolio, the Controlled Companies own other highly illiquid assets that applicant believes must be managed and, in appropriate cases, sold. As of the date the application was amended, Group estimated that Drexel's portfolio of high yield securities had an approximate value of $980 million, and that Drexel's total assets had an approximate value of $2.6 billion.

6. During the pendency of the reorganization proceedings, the activities of the Drexel Debtors are subject to the supervision of the Bankruptcy Court, which has jurisdiction over all of their property. The Bankruptcy Court has established three separate creditors' committees and an equity committee representing Group's shareholders (collectively the "Committees"), each of which is advised by outside counsel, auditors, and financial advisors, to oversee the Drexel Debtors so as to protect the interests of creditors and shareholders. In addition to the Committees, the Bankruptcy Court has established the Investment/Reinvestment Committee (the "Investment Committee") and the Steering Committee to facilitate the review and approval of transactions during the reorganization proceedings. The Investment Committee is comprised of one representative designated by each of: (a) The Group creditors' committee; (b) the DBL Inc. creditors' committee; and (c) the Drexel Debtors. The Investment Committee also has a chairman who has been appointed by the Bankruptcy Court and who is the only voting member of the Investment Committee. The Investment Committee's authorization is required for most securities transactions. The Steering Committee, which consists of representatives of each of the Committees, reviews and must authorize certain securities and other transactions. Prior notice must be given to the Steering Committee of certain other transactions so that it has the opportunity to seek to enjoin, or to require Drexel to obtain court approval for, a challenged transaction.

7. Group submits that it may be advantageous for Group and the Controlled Companies to deal with persons who are affiliated persons of Group or the Controlled Companies, or affiliated persons of such persons, to effect many of the transactions necessary to restructure Drexel's securities portfolio and other assets. For example, transactions among Group and the Controlled Companies could arise in the course of the reorganization proceedings as it may be necessary or desirable to transfer certain holdings to particular companies from other companies. Transactions with issuers of portfolio securities that are affiliated persons of Group or the Controlled Companies, or affiliated persons of such persons, may arise in situations where Drexel desires to accept an exchange offer or tender offer made by an issuer or to sell securities of an issuer to, or to purchase securities from, the issuer. Because of the illiquid nature of many of Drexel's securities, such transactions may represent the most favorable opportunity for Drexel to restructure its portfolio. Similarly, because of the overlapping nature of the securities issues held by Group, the Controlled Companies, the Partnerships, and their affiliated persons, transactions in which either Group or the Controlled Companies participate may involve affiliated persons as joint participants.

Applicant's Legal Analysis

1. Section 3(a)(3) of the Act defines the term "investment company" to include any issuer that "is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis." Group has not disputed that its present holdings of investment securities, as well as those of certain of the Controlled Companies, exceed the 40% percent asset test set forth in section 3(a)(3).

2. Section 6(c) provides that the Commission may exempt any person or transaction from any or all provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 6(e) permits the Commission to provide, in exempting an investment company from section 7 (the registration requirement), that specified sections will apply to the company, and all other persons in their dealings with the company, as if the company were registered under the Act.

3. Group seeks an order under sections 6(c) and 6(e) that would exempt (a) Group from all provisions of the Act except sections 8(a), 9, 10(a), 17(a), 17(d), 17(e), 31 (modified as described in the application), and 36 through 53, (b) certain companies that are controlled by Group from all provisions of the Act except sections 9, 17(a), 17(d), 17(e), and 36 through 53, and (c) certain transactions from sections 17(a) and 17(d) of the Act and rule 17d–1 thereunder, provided that the transactions have been authorized in the manner set forth below. Group requests that the relief extend until such plan or plans of reorganization are confirmed in accordance with the Bankruptcy Code and substantially consummated for purposes of section 1101(2) of the Bankruptcy Code (or, if the cases of such companies are converted to cases under chapter 7 of the Bankruptcy Code, the closing of such cases).

4. Group submits that in light of the jurisdiction and supervision of the Bankruptcy Court in the chapter 11 reorganization proceedings with respect to the Drexel Debtors, the limited expected duration of those proceedings, and the limited activities of Group during this period, it is not necessary or appropriate for it to be subject to many of the provisions of the Act or the rules thereunder or for the Controlled Companies to register as investment companies under the Act or to be subject to the provisions thereof, other than sections 9, 17(a), 17(d), 17(e), and 36 through 53. [1]

5. Under the requested exemption, a transaction involving Group or a Controlled Company would be exempt from the provisions of sections 17(a) and 17(d) of the Act and rule 17d–1 thereunder if the transaction were authorized by: (a) Group's board of directors, including by the vote of a majority of its directors who are not "interested persons" (within the meaning of section 2(a)(19) of the Act) of Group and who also are not parties to the transaction or persons with a direct or indirect financial interest therein; [2] and (b) either the Bankruptcy Court or its "Designee." The term "Designee" is defined as the Investment Committee, the Steering Committee, or any other designee or designees of the Bankruptcy Court that provides substantially the same representation and performs substantially the same review function as the Investment Committee and the Steering Committee currently provide under the procedures described in the application. Before obtaining authorization, Group would be required to inform its board of directors and the Bankruptcy Court or its Designee, as the case may be, of the identity of all known affiliated persons of Group (or, in the case of a transaction involving a Controlled Company, of such Controlled Company), and all known affiliated persons of such persons, who are parties to, or have a direct or indirect financial interest in, such transaction; the nature of the affiliation; and the known financial interests of such persons in the transaction. The authorization procedures would apply to any transaction involving Group or a Controlled Company, including a Controlled Company that is not a Drexel Debtor. Group asserts that the procedures are an appropriate substitute for the prior approval of the Commission otherwise generally required for exemptive relief from section 17.

6. Group asserts that it is not necessary and would be overly burdensome to require it to restructure its financial reporting operations to comply with section 30 of the Act or to file audited financial statements. Group currently prepares monthly financial reports, files monthly operating reports with the United States Trustee pursuant to the Bankruptcy Code, and performs certain other procedures that provide cost effective and satisfactory financial information. In addition, Group submits that an exemption form section 30 would be meaningless if it were required to comply with the requirements of rule 31a–1(a) under the Act, which provides that every registered investment company shall maintain and preserve such accounts, books, and documents as constitute the record forming the basis for financial statements required to be filed pursuant to section 30 of the Act. Accordingly, Group proposes to comply with section 31 of the Act and the rules thereunder, except rule 31a–1(a) and, to the extent they relate to such rule, rules

[1] Although the order would exempt the Controlled Companies from registration under the Act, affiliated transactions involving the Controlled Companies (or controlled companies thereof) will be subject to sections 17(a) and 17(d) to the same extent as if the Controlled Companies were registered investment companies. As previously noted, section 6(e) permits the Commission to make specified sections of the Act applicable to a company that is exempt from registration.

[2] The board would be required to find that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair to Drexel and that the transaction is consistent with the goals of the reorganization proceedings. Also, the directors would be required to record in their minutes a description of the transaction, their determinations, the information or materials upon which their determinations were based, and the bases therefor.

31a–2 and 31a–3 under the Act. Group would maintain all of the books and records otherwise required by rules 31a–1, 31a–2, and 31a–3, including, without limitation, itemized journals, various ledgers, brokerage orders, and minute books of directors' and board committee meetings. In addition, as provided by condition 2, below, Group would maintain, or cause the Controlled Companies to maintain, records that reflect the activities of, and the transactions entered into by, each of the Controlled Companies.

Applicant's Conditions

Any relief granted on the application would be subject to the following conditions:

1. Simultaneously with the issuance of the order, Group will register as an investment company under the Act by filing a notice of registration pursuant to section 8(a) of the Act.

2. Group shall cause each of the Controlled Companies to make and keep books, records, and accounts, which, in reasonable detail, accurately and fairly reflect the transactions and dispositions of its assets; take all steps necessary to ensure that all such books, records, and accounts shall be subject at any time and from time to time to such reasonable periodic, special, and other examinations by the Commission or its staff; and cause each Controlled Company to furnish to the Commission, within such reasonable time as the Commission may prescribe, copies of or extracts from such records which may be prepared without undue effort, expense, or delay, as the Commission may by order require.

3. Group shall consult with the staff of the Division of Investment Management with respect to any issue arising under the Act that relates to the Plans of Reorganization. As soon as is practicable, and in no event after Consummation, Group shall submit to the staff a comprehensive written analysis (in the form of a letter or memorandum, or as part of an application for an order under the Act) of the status under the Act after Consummation of each of Group, the Controlled Companies, and any other entity that may emerge from the Reorganization Proceedings. Such analysis shall include a description of the ownership, capital structure, assets and liabilities, and intended business of each entity, as well as any other information that may be relevant to a determination of each entity's status under the Act. If there is any change in a material fact or circumstance underlying the analysis, Group shall promptly notify the staff and supplement its analysis as may be appropriate.

4. Any transaction involving Group or involving any of the Controlled Companies, or the purchase or sale of securities of other property thereof, shall be exempt from the provisions of sections 17(a) and 17(d) of the Act and rule 17d–1 thereunder, provided that such transaction is:

(a) Authorized by Group's board of directors, including by the vote of a majority of its directors who are not interested persons of Group and who are also not parties to the transaction or persons with a direct or indirect financial interest therein; and

(b) Authorized either by the Bankruptcy Court or its Designee, provided that Group has informed its board of directors and the Bankruptcy Court or its Designee, as the case may be, of: (i) The identity of all known affiliated persons of Group (or, in the case of a transaction involving a Controlled Company, of such Controlled Company), and all known affiliated persons of such persons, who are parties to, or have a direct or indirect financial interest in, such transaction; (ii) the nature of the affiliation; and (iii) the known financial interest of such persons in the transaction.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–21640 Filed 9–9–91; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Intent To Prepare Environmental Impact Statement, Seattle-Tacoma International Airport, Seattle, WA

AGENCY: Federal Aviation Administration (FAA).

ACTION: Notice of intent.

SUMMARY: The Northwest Mountain Region of the FAA announces:

(1) The FAA and the Port of Seattle, acting as joint lead agencies, intend to prepare Draft and Final Environmental Impact Statements (EIS) for a proposal by the Port of Seattle to develop the South Aviation Support Area (SASA) for aviation maintenance and related support facilities. The site is located between South 192nd and 200th Streets and west of 28th Avenue South, City of SeaTac, King County Washington. Major project elements would include grading, filling, paving, habitat mitigation, utility installation and construction of various buildings and structures.

(2) The Federal and State EIS scoping process will consist of a time period for interested agencies and persons to submit written comments as to their concerns and topics which they believe should be addressed in the Draft EIS.

(3) Joint FAA and Port of Seattle public scoping meeting will be held on October 16, 1991, 7 p.m., at the Angle Lake Fire Station, 2929 South 200th, Seatac, WA, 98198.

DATES: In order to be considered, written comments must be received by Ms. Sarah P. Dalton, Federal Aviation Administration, Seattle Airports District Office, 1601 Lind Ave. SW., Renton, WA 98055–4056, Telephone: (202) 227–2661 on or before October 31, 1991.

Questions concerning the draft EIS or the process being applied by the FAA and the Port of Seattle in connection with this project should also be directed to Ms. Dalton

SUPPLEMENTARY INFORMATION: Information, data, views and comments obtained in the course of the scoping process may be used in the preparation of the draft EIS. The purpose of this notice is to inform the public and state, local and Federal governmental agencies of the fact that a draft EIS will be prepared and to provide those interested in doing so with an opportunity to present their views, comments, information, data, or other relevant observations concerning the environmental impacts related to implementation of this proposal.

Organizations wishing a presentation on the proposal by Port of Seattle personnel, may call Rosie Courtney (206) 433–5342 to arrange a date and time.

Major actions or concepts to be discussed in the draft EIS include: The Do-Nothing Alternative and three other alternatives varying in acreage as follows: Alternative A—50 acres, Alternative B—85 acres and Alternative C—100 acres. Common features of Alternatives A, B, and C include development for aircraft maintenance and aviation support facilities with hangars, aprons, and hardstand areas. Potential office, hotel, and light industrial could occur along 28th Avenue South on the east side of the site for Alternatives A and B. Project development would be phased over a 5 to 10 year implementation program.

Documents related to the proposed action can be reviewed at the following locations:

Aviation Planning, 3rd Floor, Main Terminal, Sea-Tac International Airport.

Federal Aviation Administration, Seattle Airports District Office, suite 250, 1601 Lind Ave. SW., Renton, WA.

Port of Seattle, Pier 66, Environmental Office, Seattle, WA.

King County Library, Des Moines Branch, 22815–24th Ave. South, Des Moines, WA 98198.

King County Library, Burien Branch, 14700–6th Ave. SW., Seattle, WA 98166.

King County Library, Valley View Branch, 17850 Military Road South, Seattle, WA 98188.

Issued in Seattle, Washington, on August 29, 1991.

Dated: August 30, 1991.

Edward G. Tatum,

Manager, Airports Division, Federal Aviation Administration, Northwest Mountain Region, Seattle, Washington.

[FR Doc. 91–21616 Filed 9–9–91; 8:45 am]

BILLING CODE 4910–13–M

Cargo Pallets, Nets, and Containers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of technical standard order (TSO) and request for comments.

SUMMARY: The proposed TSO–C90c prescribes the minimum performance standards that cargo pallets, nets, and containers must meet to be identified with the marking "TSO–C90c."

DATE: Comments must identify the TSO file number and be received on or before December 20, 1991.

ADDRESSES: Send all comments on the proposed technical standard order to: Technical Analysis Branch, AIR–120, Aircraft Engineering Division Aircraft Certification Service-File No. TSO–C90c, Federal Aviation Administration, 800 independence Avenue, SW., Washington, DC 20591. Or deliver comments to: Federal Aviation Administration, room 335, 800 independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Bobbie J. Smith, Technical Analysis Branch, AIR–120, Aircraft Engineering Division, Aircraft Certification Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, Telephone (202) 267–9546.

Comments received on the proposed technical standard order may be examined, before and after the comment closing date, in room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue SW., Washington, DC 20591, weekdays except Federal holidays, between 8:30 a.m. and 4:30 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they desire to the above specified address. All communications received on or before the closing date for comments specified above will be considered by the Director of the Aircraft Certification Service before issuing the final TSO.

Background

A substantial revision (Revision 10) to Aerospace Industries Association of America, Inc., National Aerospace Standard NAS 3610 is available. Although some industry segments indicate that five years is the earliest some industry standards incorporated by reference in TSO's can be updated, the Agency's goal is to revalidate each TSO every four years.

The following changes to TSO–C90c are highlighted:

(1) The users of cargo unit load devices in transport category airplanes are affected by §§ 21.50 and 25.1529 and part 25, appendix H, of the Federal Aviation Regulations. The holder of a design approval, or type certificate for a transport category airplane whose application occurs after January 28, 1981, must provide one set of complete instructions for Continued Airworthiness to the owner (user) of that transport airplane. A TSO authorization holder assists the airplane type certificate holder by providing the relevant instructions for that article when they are available. Holders of TSO–C90c authorizations have been required to provide such instructions to the Aircraft Certification Offices of the FAA. Consequently, a provision has been proposed to require TSO–C90c authorization holders to provide users with instructions for installing, operating, servicing, maintaining, and repairing cargo unit load devices.

(2) A proposal has also been made for markings on cargo unit load devices to be in areas clearly visible after the pallet, net, or container is loaded with cargo. There has always been a requirement to mark unit load devices, and the need for this specific provision is logical.

How To Obtain Copies

A copy of the proposed TSO–C90c may be obtained by contacting "For Further Information Contact." TSO–C90c references NAS 3610, Revision 10, "Cargo Unit Load Devices-Specification For," for the minimum performance standards. NAS 3610, Revision 10, may be purchased from the Aerospace Industries Association of America, Inc., 1250 Eye Street, NW., suite 1100, Washington, DC 20005.

Issued in Washington, DC, on September 4, 1991.

John K. McGrath,

Manager, Aircraft Engineering Division, Aircraft Certification Service.

[FR Doc. 91–21617 Filed 9–9–91; 8:45 am]

BILLING CODE 4910–13–M

Office of Hearings

[Docket 47676; Order 91–9–3]

Issued by the Department of Transportation on the 4th day of September 1991; U.S.-Brazil Combination Service Case; Order Granting Motions to Consolidate

Served September 4, 1991.

Four carrier applicants have filed motions to consolidate. No opposition to the motions have been submitted, and therefore the motions by the following parties to consolidate their applications in the dockets listed below with Docket 47676 are granted pursuant to the authority conferred by 14 CFR 385.11(c):

American Airlines, Inc.: Docket 47627
Delta Air Lines, Inc.: Docket 47621
Northwest Airlines, Inc.: Docket 47624
United Air Lines, Inc.: Docket 47632

Petitions to the Department of Transportation for review of this order shall be filed pursuant to 14 CFR 385.51 within ten days after the date of service of this order.

This order shall be effective and become the action of the Department of Transportation upon expiration of the above period unless before that date a petition for review thereof is filed or the Department gives notice that it will review this order on its own motion.

Robert L. Barton, Jr.,

Administrative Law Judge.

[FR Doc. 91–21620 Filed 9–9–91; 8:45 am]

BILLING CODE 4910–62–M

[Docket 47676; Order 91-9-4]

Issued by the Department of Transportation on the 4th day of September 1991; U.S.-Brazil Combination Service Case; Order Granting Petitions for Leave To Intervene

Served September 4, 1991.

The petitions for leave to intervene submitted by the following parties have not been opposed and are granted pursuant to the authority conferred by 14 CFR 385.11(a):

The Dade County Aviation Department, Representing Miami International Airport
The Georgia & Atlanta Parties
The City of Los Angeles, Department of Airports
Greater Orlando Aviation Authority
The City and County of San Francisco and the San Francisco Airports Commission
The San Francisco Chamber of Commerce

Given that the deadline provided for filing Petitions for Leave to Intervene has passed, I do not anticipate that any further petitions to intervene will be granted.

Petitions to the Department of Transportation for review of this order shall be filed pursuant to 14 CFR 385.51 within ten (10) days after the date of service of this order.

This order shall be effective and become the action of the U.S. Department of Transportation upon expiration of the above period unless before that date a petition for review thereof is filed or the Department gives notice that it will review this order on its own motion.

Robert L. Barton, Jr.,

Administrative Law Judge.

[FR Doc. 91-21621 Filed 9-9-91; 8:45 am]

BILLING CODE 4910-62-M

Research and Special Programs Administration

International Standards on the Transport of Dangerous Goods: Hazardous Materials Information Exchange

AGENCY: Research and Special Programs Administration (RSPA), Department of Transportation.

ACTION: Notice of information available on the RSPA computer bulletin board known as the Hazardous Materials Information Exchange.

SUMMARY: This notice is to advise interested persons that RSPA has created a new topic on its computer bulletin board known as the Hazardous Materials Information Exchange (HMIX). The new topic, entitled "RSPA International Activities Relating to the Transport of Dangerous Goods", will include information on meetings of international bodies responsible for international regulations on the transport of dangerous goods. The availability of this information is intended to enhance the public's awareness of international issues and their ability to participate in formulating U.S. positions taken at these meetings. Additionally, as part of this HMIX topic, manufacturers of non-bulk packagings which meet the requirements in the United Nations Recommendations on the Transport of Dangerous Goods (UN Recommendations) may list the types of packagings they produce. As a result users of such packagings may identify available sources.

FOR FURTHER INFORMATION CONTACT: On matters pertaining to the use of the HMIX system contact the HMIX information center; 1-800-PLANFOR (782-6367); in Illinois 1-800-367-9592; and on matters pertaining to international activities contact Frits Wybenga, International Standards Coordinator for Hazardous Materials Safety, RSPA, Department of Transportation, Washington, DC 20590-0001; (202) 366-0656.

SUPPLEMENTARY INFORMATION: RSPA represents the United States in international fora responsible for the development of international regulations on the transport of dangerous goods. As part of RSPA's participation in these fora, RSPA invites the public to participate in developing U.S. positions to be taken on issues to be discussed in these international bodies, and invites public comment on U.S. proposals. To enhance the public's knowledge of the issues before these meetings, RSPA has included in its HMIX international activities topic: (1) A calendar of international meetings and related RSPA public meetings, (2) a listing of agenda items to be discussed at the international meetings and the titles of documents that have been received, (3) a request form to order documents from RSPA, (4) a description of how to provide RSPA comments on documents to be considered, and (5) draft and completed documents prepared by RSPA being submitted to upcoming international meetings.

Information on UN Certified Packaging

With certain exceptions, as of January 1, 1991, international requirements for the transport of dangerous goods by aircraft (i.e., the International Civil Aviation Organization (ICAO) Technical Instructions on the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions)) and by marine vessel (i.e., the International Maritime Organization (IMO) International Maritime Dangerous Goods Code (IMDG Code)) require the use of non-bulk packagings which conform to performance-oriented standards based on the United Nations Recommendations on the Transport of Dangerous goods (UN packagings). On December 21, 1990, RSPA issued a final rule, entitled "Performance Oriented Packaging Standards" (Docket No. HM-181; 55 FR 52402) incorporating similar performance-oriented packaging requirements in the Hazardous Materials Regulations (49 CFR parts 171-180).

A *non-bulk packaging* is a packaging which has a capacity of 400 kilograms or less if intended for solids and a capacity of 450 liters or less if intended for liquids. Performance tests are specified to ensure that packages containing hazardous materials can withstand the normal conditions of transport. Packagings successfully passing the prescribed performance tests are qualified to be marked as UN packagings.

RSPA has received numerous calls on the availability of UN packagings. To assist the public in identifying sources of such packagings during the implementation period, RSPA is providing an easy format on the HMIX that manufacturers may use to list the types of UN packagings they have available. The information on the system will be maintained by the manufacturers. In providing this listing RSPA takes no responsibility for the validity of the information, including the validity of packaging certification, and is not endorsing any individual manufacturer or packaging. Users of such packagings may use the system to identify suppliers.

HMIX

The Hazardous Materials Information Exchange (HMIX) is a computer bulletin board, sponsored by the Department of Transportation's Research and Special Programs Administration and the Federal Emergency Management Agency. A personal computer, communications software, and a modem are need to access HMIX. The telephone access number is (708) 972-3275. The following moden settings should be used: no parity, 8 data bits and 1 stop bit. A free HMIX User's Guide may be obtained by contacting one of the technical assistance operators at: 1-800-PLANFOR (752-6367); or in Illinois: 1-

800–367–9592. The technical assistance operators can also answer questions concerning the HMIX, how it operates, and how to set up communications software. Technical assistance is available Monday through Friday, 8:30 a.m. to 5 p.m.. Central time.

Issued in Washington, DC on September 5, 1991.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 91–21709 Filed 9–9–91; 8:45 am]

BILLING CODE 4910–60–M

International Standards on the Transport of Dangerous Goods by Air; Public Meeting

AGENCY: Research and Special Programs Administration (RSPA), Department of Transportation

ACTION: Notice of public meeting.

SUMMARY: This notice is to advise persons that RSPA will conduct a public meeting to exchange views on proposals submitted to the thirteenth session of the International Civil Aviation Organization's (ICAO) Dangerous Goods Panel (DGP) to be held in Montreal, Canada on October 15–25, 1991.

DATES: October 8, 1991 at 9:30 a.m.

ADDRESSES: Department of Transportation, Nassif Building, room 8334, 400 Seventh St, SW., Washington, DC 20590–0001

FOR FURTHER INFORMATION CONTACT: Frits Wybenga, (202) 366–0656, International Standards Coordinator for Hazardous Materials Safety, RSPA, Department of Transportiaton, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION: The primary purpose of the Dangerous Goods Panel meeting will be to discuss proposed amendments to the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air (the Technical Instructions). The DGP will consider proposed amendments to resolve problems encountered with the use of the Technical Instructions, and proposed amendments aligning the Technical Instructions with the latest revision of the United Nations Recommendations on the transport of Dangerous Goods (UN Recommendations). The proposed amendments deal with virtually all aspects of dangerous goods transport, including listing and classification, packaging requirements, requirements for infectious substances (particularly diagnostic substances, biological products and genetically modified substances), requirements for gases, requirements for self-reactive substances and the use of portable tanks for transporting certain dangerous goods by aircraft. If the proposed amendments to the Technical Instructions are adopted, they will become effective on January 1, 1993.

The public is invited to attend without prior notification.

Documents

Documents submitted to the thirteenth session of the ICAO DGP may be reviewed between the hours of 8:30 and 5 in RSPA's Dockets Unit located in room 8419 of the Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Copies of documents may be obtained from RSPA for a nominal fee. A listing of these documents is available on the Hazardous Materials Information Exchange (HMIX), RSPA's computer bulletin board. Documents may be ordered by filling out an online request form on the HMIX or by contracting RSPA's Dockets Unit (202–366–4453). For more information on the use of the HMIX system, contact the HMIX information center; 1–800–PLANFOR (782–6367); in Illinois, 1–800–367–9592; Monday through Friday, 8:30 a.m. to 5 p.m. Central time.

After the meeting, a summary of the public meeting will also be available from the Hazardous Materials Advisory Council (HMAC), suite 250, 1110 Vermont Ave., NW., Washington, DC 20005; telephone number (202) 728–1460.

Issued in Washington, DC, on September 5, 1991

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 91–21710 Filed 9–9–91; 8:45 a.m.]

BILLING CODE 4910–60–M

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Homestead Federal Savings Association; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in Section 5(d)(2) (B) and (H) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Homestead Federal Savings Association, Middletown, Pennsylvania, on August 30, 1991.

Dated: September 5, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91–21646 Filed 9–9–91; 8:45 am]

BILLING CODE 6720–01–M

New Age Federal Savings Association; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in Section 5(d)((2) (B) and (H) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for New Age Federal Savings Association, St. Louis, Missouri, on August 23, 1991.

Dated: September 5, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91–21647 Filed 9–9–91; 8:45 am]

BILLING CODE 6720–01–M

United Savings Bank, FSB Prestonsburg, KY; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in Section 5(d)(2) (B) and (H) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for United Savings Bank, FSB, Prestonsburg, Kentucky, on August 30, 1991.

Dated: September 5, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91–21648 Filed 9–9–91; 8:45 am]

BILLING CODE 6720–01–M

First Federal Savings and Loan Association of Mount Vernon, Mount Vernon, OH; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for First Federal Savings and Loan Association of Mount Vernon, Mount Vernon, Ohio, on August 23, 1991.

Dated: September 5, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91–21649 Filed 9–9–91; 8:45 am]

BILLING CODE 6720–01–M

Future Federal Savings Bank Louisville, KY; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5 (d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Future Federal Savings Bank, Louisville, Kentucky, OTS No. 0422, on August 30, 1991.

Dated: September 5, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-21650 Filed 9-9-91; 8:45 am]

BILLING CODE 6720-01-M

Great West, a Federal Savings Bank, Craig, CO; Replacement of Conservator with a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for Great West, a Federal Savings Bank, Craig, Colorado ("Association"), with the Resolution Trust Corporation as sole Receiver for the Association on August 16, 1991.

Dated: September 4, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-21651 Filed 9-9-91; 8:45 am]

BILLING CODE 6720-01-M

Heritage Federal Savings Association, Lamar, CO; Replacement of Conservator with a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for Heritage Federal Savings Association, Lamar, Colorado ("Association"), with the Resolution Trust Corporation as sole Recieiver for the Association on August 23, 1991.

Dated: September 4, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-21652 Filed 9-9-91; 8:45 am]

BILLING CODE 6720-01-M

Homestead Savings Association; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5 (d)(2)(C) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Homestead Savings Association, Middletown, Pennsylvania (OTS No. 7223), on August 30, 1991.

Dated: September 5, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-21653 Filed 9-9-91; 8:45 am]

BILLING CODE 6720-01-M

Merchants and Mechanics Federal Savings and Loan Association, Springfield, OH; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Merchants and Mechanics Federal Savings and Loan Association, Springfield, Ohio, OTS No. 0126, on August 23, 1991.

Dated: September 5, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-21654 Filed 9-9-91; 8:45 am]

BILLING CODE 6720-01-M

Nassau Federal Savings and Loan Association; Replacement of Conservator with a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for Nassau Federal Savings and Loan Association, Princeton, New Jersey ("Association"), with the Resolution Trust Corporation as sole receiver for the Association on August 23, 1991.

Dated: September 5, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-21655 Filed 9-9-91; 8:45 am]

BILLING CODE 6720-01-M

New Age Federal Savings and Loan Association of St. Louis; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(A) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for New Age Federal Savings and Loan Association of St. Louis, St. Louis, Missouri, on August 23, 1991.

Dated: September 5, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-21656 Filed 9-9-91; 8:45 am]

BILLING CODE 6720-01-M

Old Borough Federal Savings and Loan Association; Replacement of Conservator with a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for Old Borough Federal Savings and Loan Association, Trenton, New Jersey, ("Association"), with the Resolution Trust Corporation as sole Receiver for the Association on August 23, 1991.

Dated: September 5, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-21657 Filed 9-9-91; 8:45 am]

BILLING CODE 6720-01-M

United Federal Savings Bank, Prestonsburg, KY; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for United Federal Savings Bank, Prestonsburg, Kentucky, OTS No. 6180, on August 30, 1991.

Dated: September 5, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-21658 Filed 9-9-91; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF VETERANS AFFAIRS

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Janet G. Byers, Veterans Benefits Administration (20A5), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233-3021.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, room 3002, Washington, DC 20503, (202) 395-7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before October 10, 1991.

Dated: September 4, 1991.

By direction of the Secretary:

Kenneth H. Hoffmann,

Director, IRM Policy and Standards Service.

Revision

1. Eligibility Verification Reports.

a. EVR Instructions, VA Form 21-0510.
b. Old Law EVR (Surviving Spouse), VA Form 21-0511S.
c. Old Law EVR (Surviving Spouse), VA Form 21-0511S-1.
d. Old Law EVR (Veteran), VA Form 21-0511V.
e. Old Law EVR (Veteran), VA Form 21-0511V-1.
f. Section 306 EVR (Surviving Spouse), VA Form 21-0512S.
g. Section 306 EVR (Surviving Spouse), VA Form 21-0512S-1.
h. Section 306 EVR (Veteran), VA Form 21-0512V.
i. Section 306 EVR (Veteran), VA Form 21-0512V-1.
j. Old Law Section 306 EVR (Children Only), VA Form 21-0513.
k. Old Law Section 306 EVR (Children Only), VA Form 21-0513-1.
l. DIC Parent's EVR, Form 21-0514.
m. DIC Parent's EVR, VA Form 21-0514-1.
n. Improved Pension EVR (Veteran with no Dependents), VA Form 21-0515.
o. Improved Pension EVR (Veteran with no Dependents), VA Form 21-0515-1.
p. Improved Pension EVR (Veteran with Spouse), VA Form 21-0516.
q. Improved Pension EVR (Veteran with Spouse), VA Form 21-0516-1.
r. Improved Pension EVR (Veteran with Children), VA Form 21-0517.
s. Improved Pension EVR (Veteran with Children), VA Form 21-0517-1.
t. Improved Pension EVR (Surviving Spouse with no Children), VA Form 21-0518.
u. Improved Pension EVR (Surviving Spouse with no Children), VA Form 21-0518-1.
v. Improved Pension EVR (Surviving Spouse and/or Children), VA Form 21-0519.
w. Improved Pension EVR (Surviving Spouse and/or Children), VA Form 21-0519-1.

2. These forms are used by VA regional offices to verify continued eligibility for pension and parents' DIC and to determine whether adjustments in the rate of payment are necessary. These forms are also used for developing supplemental income and estate information from claimants who have previously filed a formal application for pension or DIC.
3. Individuals or household.
4. 555,715 hours.
5. 20 minutes per form.
6. On occasion and annually.
7. 1,111,430 respondents.

[FR Doc. 91-21585 Filed 9-9-91; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 56, No. 175
Tuesday, September 10, 1991

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, September 6, 1991.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 91–21751 Filed 9–5–91; 4:34 p.m.]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, September 13, 1991.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 91–21752 Filed 9–5–91; 4:34 p.m.]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, September 20, 1991.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 91–21753 Filed 9–5–91; 4:34 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Friday, September 27, 1991.

PLACE: 2033 K St., N.W., Washington, D.C., Lower Lobby Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

—Application of the Commodity Exchange, Inc. to trade five day silver physical options

—Proposed rule 4.20(d) prohibiting certain transactions between Commodity pool Operators and their affiliates

—Chicago Mercantile Exchange proposed rules 577, 578, and 579—Globex: Limitation of Liability and Customer Disclosure

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 91–21754 Filed 9–5–91; 4:35 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, September 27, 1991.

PLACE: 2033 K St., N.W., Washington, D.C., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 91–21755 Filed 9–5–91; 4:35 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:15 a.m., Friday, September 27, 1991.

PLACE: 2033 K St., N.W., Washington, D.C., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 91–21756 Filed 9–5–91; 4:35 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:30 a.m., Friday, September 27, 1991.

PLACE: 2033 K St., NW., Washington, DC, 8th floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Rule Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 91–21757 Filed 9–5–91; 4:35 pm]

BILLING CODE 6351–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of a Matter To Be Added to the Agenda for Consideration at an Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the following matter will be added to the "summary agenda" for consideration at the open meeting of the Board of Directors of the Federal Deposit Insurance Corporation scheduled to be held at 2:00 p.m. on Tuesday, September 10, 1991, in the Board Room on the sixth floor of the FDIC Building located at 550-17th Street, NW., Washington, DC:

Recommendation regarding the liquidation of depository institution assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 47,743

Policy for the Sale of Large Asset Pools on Terms

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898–6757.

Dated: September 5, 1991.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 91–21770 Filed 9–5–91; 8:45 am]

BILLING CODE 6714–0–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, September 16, 1991.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: September 6, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-21862 Filed 9-6-91; 3:19 pm]

BILLING CODE 6210-01-M

BOARD FOR INTERNATIONAL BROADCASTING

TIME AND DATE: 9:00 a.m., September 20, 1991.

PLACE: The Mayflower Hotel; 1127 Connecticut Avenue, NW., Washington, DC 20036.

STATUS: Closed, pursuant to 5 U.S.C. 552b(c)(1) and (9)(B) and 22 CFR 1302.4(a) and (h).

MATTERS TO BE CONSIDERED: Matters concerning the broad foreign policy objectives of the United States Government as they relate to international shortwave radio broadcasting into Eastern Europe and the Soviet Union.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Mark G. Pomar, Executive Director, Board for International Broadcasting, Suite 400, 1201 Connecticut Avenue, NW., Washington, DC 20036.

Mark G. Pomar,

Executive Director.

[FR Doc. 91-21750 Filed 9-5-91; 4:33 pm]

BILLING CODE 6155-01-M

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [56 FR 43840, September 4, 1991].

STATUS: Closed.

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: Thursday, August 29, 1991.

CHANGE IN THE MEETING: Additional meeting.

The following item was considered at a closed meeting on Thursday, September 5, 1991, at 2:00 p.m.

Personnel matter

Commissioner Fleischman, as duty officer, determined that Commission business required the above change and that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Holly Smith at (202) 272-2100.

Dated: September 5, 1991.

Jonathan G. Katz,

Secretary.

[FR Doc. 91-21842 Filed 9-6-91; 2:19 pm]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of September 9, 1991.

Closed meetings will be held on Tuesday, September 10, 1991, at 2:30 p.m. and on Friday, September 13, 1991, at 2:30 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meetings. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at closed meetings.

Commissioner Fleischman, as duty officer, voted to consider the items listed for the closed meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, September 10, 1991, at 2:30 p.m., will be:

Institution of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Settlement of administrative proceedings of an enforcement nature.
Formal order of investigation.
Settlement of injunctive action.

The subject matter of the closed meeting scheduled for Friday, September 13, 1991, at 2:30 p.m., will be:

Institution of injunctive actions.
Institution of administrative proceedings of an enforcement nature.
Formal orders of investigation.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Kaye Williams at (202) 272-2400.

Dated: September 5, 1991.

Jonathan G. Katz,

Secretary.

[FR Doc. 91-21843 Filed 9-9-91; 2:19 pm]

BILLING CODE 8010-01-M

Reader Aids

Federal Register

Vol. 56, No. 175

Tuesday, September 10, 1991

INFORMATION AND ASSISTANCE

FEDERAL REGISTER PAGES AND DATES, SEPTEMBER

CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

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LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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